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Rebecca McDowell Cook
Secretary of State

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

Missouri Depository Libraries

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1999. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 4—Mental Health Programs

EMERGENCY AMENDMENT

9 CSR 30-4.042 Admission Criteria. The department is amending subsection (4)(B).

PURPOSE: This amendment establishes proposed additional criteria and procedures for admission of eligible individuals to the community psychiatric rehabilitation program.

EMERGENCY STATEMENT: This emergency rule is being requested in order to implement program changes that will immediately allow a significant number of Department of Mental Health clients to be admitted to the Community Psychiatric Rehabilitation (CPR) Program. These individuals are currently in need of services and supports that are not currently accessible because of programmatic limitations. Immediate enrollment will allow the State of Missouri to access federal Medicaid dollars to serve eligible clients, expand service capacity, and improve outcomes for persons with serious mental illnesses. The federal Medicaid dollars will also allow the State of Missouri to redirect general revenue funds to serve even more eligible persons in need of services who are now underserved.

Without this emergency rule, these clients will not be able to access needed services and supports. Therefore an emergency rule is necessary to preserve a compelling governmental interest that requires an early effective date. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. Therefore the department believes this emergency rule to be fair to all interested persons and parties under the circumstances. Emergency amendment filed June 30, 2000, effective July 11, 2000, expires February 22, 2001.

(4) The criteria for admission to community psychiatric rehabilitation program services shall include:

(B) Diagnosis. A physician or licensed psychologist shall certify a primary *Diagnostic and Statistical Manual (DSM)* diagnosis or *International Classification of Diseases, Ninth Revision with Clinical Modification (ICD-9-CM)*, using the current edition of the manual. This diagnosis may coexist with other psychiatric diagnoses in Axis I or other areas.

1. Schizophrenia.
 - A. Disorganized.
 - (I) DSM IV code: 295.1X.
 - (II) ICD-9-CM code: 295.1X.
 - B. Catatonic.
 - (I) DSM IV code: 295.2X.
 - (II) ICD-9-CM code: 295.2X.
 - C. Paranoid.
 - (I) DSM IV code: 295.3X.
 - (II) ICD-9-CM code: 295.3X.
 - D. Schizophreniform.
 - (I) DSM IV code: 295.4X.
 - (II) ICD-9-CM code: 295.4X.
 - E. Residual.
 - (I) DSM IV code: 295.6X.
 - (II) ICD-9-CM code: 295.6X.
 - F. Schizoaffective.
 - (I) DSM IV code: 295.7X.
 - (II) ICD-9-CM code: 295.7X.
 - G. Undifferentiated.
 - (I) DSM IV code: 295.9X.
 - (II) ICD-9-CM code: 295.9X.
2. Delusional disorder.
 - A. DSM IV code: 297.1X.
 - B. ICD-9-CM code: 297.1X.
3. Bipolar I disorders.
 - A. Single manic episode.
 - (I) DSM IV code: 296.0X.
 - (II) ICD-9-CM code: 296.0X.
 - B. Most recent episode manic.
 - (I) DSM IV code: 296.4X.
 - (II) ICD-9-CM code: 296.4X.
 - C. Most recent episode depressed.
 - (I) DSM IV code: 296.5X.
 - (II) ICD-9-CM code: 296.5X.
 - D. Most recent episode mixed.
 - (I) DSM IV code: 296.6X.
 - (II) ICD-9-CM code: 296.6X.
4. Bipolar II disorders.
 - A. DSM IV code: 296.89.
 - B. ICD-9-CM code: 296.89.
5. Psychotic disorders NOS.
 - A. DSM IV code: 298.9.
 - B. ICD-9-CM code: 298.9.
6. Major depressive disorder-recurrent.
 - A. DSM IV code: 296.3X.
 - B. ICD-9-CM code: 296.3X.

7. Obsessive-Compulsive Disorder
 - A. DSM IV code: 300.30
 - B. ICD-9-CM code: 300.3
8. Post Traumatic Stress Disorder
 - A. DSM IV code: 309.81
 - B. ICD-9-CM code: 309.81
9. Borderline Personality Disorder
 - A. DSM IV code: 301.83
 - B. ICD-9-CM code: 301.83
10. Anxiety Disorders
 - A. General Anxiety Disorder
 - (I) DSM IV code: 300.14
 - (II) ICD-9-CM code: 300.14
 - B. Panic Disorder with Agoraphobia
 - (I) DSM IV code: 300.21
 - (II) ICD-9-CM code: 300.21
 - C. Panic Disorder without Agoraphobia
 - (I) DSM IV code: 300.01
 - (II) ICD-9-CM code: 300.01
 - D. Agoraphobia without Panic Disorder
 - (I) DSM IV code: 300.22
 - (II) ICD-9-CM code: 300.22
 - E. Social Phobia
 - (I) DSM IV code: 300.23
 - (II) ICD-9-CM code: 300.23

AUTHORITY: sections 630.050, RSMo [Supp. 1998] Supp. 1999 and 630.655 and 632.050, RSMo 1994. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 30, 2000, effective July 11, 2000, expires Feb. 22, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 32—Telecommunications Service

PROPOSED RESCISSION

4 CSR 240-32.110 Surety Bonding Requirements for Basic Local Telecommunications Companies. This rule established surety bonding requirements.

PURPOSE: The Public Service Commission is proposing to rescind this rule which requires that a basic local telecommunications company with less than a \$250,000 net book value in telephone plant in Missouri maintain a \$100,000 bond or other similar mechanism.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Aug. 24, 1999, effective April 30, 2000. Rescinded: Filed June 29, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2000-708, and be filed with an original and nine copies. A public hearing is scheduled for September 6, 2000, at 8:30 a.m., in Room 520B of the Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 32—Telecommunications Service

PROPOSED RULE

4 CSR 240-32.110 Surety Instrument Requirements for Basic Local Telecommunications Companies

PURPOSE: This rule establishes requirements for surety instruments and trustees for the protection of basic local telecommunications company end-users.

(1) To ensure the protection of basic local telecommunications company end-users, any basic local telecommunications company with less than a two hundred fifty thousand dollar (\$250,000) net book value in telephone plant and/or telephone facilities located in the state of Missouri shall maintain a "surety instrument" that complies with this rule. Such surety instrument shall be a third-party surety bond issued by a surety authorized to do business in Missouri, an irrevocable bank letter of credit issued by a bank or other financial institution doing business in Missouri, an escrow account at a bank or other financial institution in Missouri, or other means of providing the protection required by this rule as may be approved by the commission.

(A) The surety instrument shall be made payable to a corporate trustee authorized to do business in Missouri.

(B) The surety instrument shall provide that a minimum of one hundred thousand dollars (\$100,000) shall be available to pay all legitimate claims permitted under this rule that are timely made by:

1. The end-users of the basic local telecommunications company; and
2. Every telecommunications company that provides transition services as a carrier-of-last-resort to those end-users pursuant to the provisions of 4 CSR 240-32.120.

(C) The surety instrument shall be maintained as long as the basic local telecommunications company has a certificate of authority to provide basic local telecommunications service in the state of Missouri, unless the commission enters an order waiving the requirements of this rule.

(D) The surety instrument shall provide that the issuer of the surety instrument (in the case of an escrow account, the holder of the escrowed funds) shall notify the commission when the surety instrument is canceled, closed or otherwise terminated prematurely.

(2) In the event a telecommunications company—1) ceases to provide basic local telecommunications service to its end-user(s) for any reason other than cause as provided for in its tariff approved by the commission and 2) fails to return end-user deposits and/or reimburse its end-user(s) for unused prepaid services, then its end-user(s) and any telecommunications company that provides transition services as a carrier-of-last-resort to that company's end-users pursuant to the provisions of 4 CSR 240-32.120 shall have the right to seek indemnification by making claims on the surety instrument for:

(A) Unreturned end-user deposits;

(B) Unused prepaid service; and

(C) The costs incurred by the carrier-of-last-resort in providing transition services to the company's end-users pursuant to 4 CSR 240-32.120.

(3) A carrier-of-last-resort that provides transition services to end-users pursuant to 4 CSR 240-32.120 shall include in the customer notice prescribed in 4 CSR 240-32.120(5) the name and address of the corporate trustee for the surety instrument, citation to this rule, and notice that end-users may submit claims to the corporate trustee for any unreturned deposits and/or payments for prepaid local services that they did not receive. The carrier-of-last-resort shall also mail a copy of the notice to the corporate trustee at the address provided by the basic local telecommunications company.

(4) The corporate trustee shall notify the commission thirty (30) days in advance of the date it will cease to be a corporate trustee for a surety instrument if it does so before the surety instrument is canceled, closed or otherwise terminates prematurely. The corporate trustee shall review all claims made to it during the period commencing the date the carrier-of-last-resort mails the notice to end-users of the right to seek indemnification from the surety instrument and ending sixty (60) days later. Legitimate claims made during the foregoing time period shall have priority over any claims that may be made and accepted at a later date, and these claims shall be paid in the following order of priority: first, end-users; and second, carriers-of-last-resort. In the event the aggregate total of the first priority claims exceed the funds available from the surety instrument, then such claims shall be paid pro rata. In the event the funds available from the surety instrument exceed the aggregate total of the first priority claims, but the excess funds are insufficient to pay the second priority claims in full, then the second priority claims shall be paid pro rata. Corporate trustees shall complete their duties in a timely manner, not to exceed six (6) months from the date the carrier-of-last-resort mails to end-users the notice required by section (3) of this rule. Within thirty (30) days of distributing the final payments for legitimate claims, the trustee shall file with the commission a report including, at a minimum, the following: the name and address of the claimant, the amount paid and the date paid.

(5) Each basic local telecommunications company certificated to provide basic local service in the state of Missouri shall file with the commission the following:

(A) Documentation demonstrating the company is exempt from the requirement of maintaining a surety instrument; or

(B) Each of the following:

1. A copy of the executed surety instrument;

2. A copy of the corporate trustee agreement executed by the corporate trustee which shall include a provision that states the corporate trustee has read and understands this rule and agrees to comply with the duties of a corporate trustee set forth therein; and

3. A copy of the letter notifying the appropriate carrier(s)-of-last-resort of the name and address of the corporate trustee.

(6) The foregoing filings shall be made at the times following:

(A) For companies that have certificates of authority to provide basic local telecommunications service when this rule becomes effective and that have not already complied with the requirements of this rule, within thirty (30) days of the date this rule becomes effective;

(B) With each application for a certificate of authority to provide basic local telecommunications services; and

(C) With each annual report filed with the commission.

(7) Each basic local telecommunications company certificated to provide basic local service in the state of Missouri that is not exempt from this rule shall maintain records that identify by customer name, address and telephone number, the dollar amount of a customer's prepaid basic local telecommunications services and any held deposits. Such records shall be made available to the commission, upon request.

(8) Upon application to the commission, the requirements of this rule may be waived if the basic local telecommunications company successfully complies with the requirements of this rule for a period of three (3) consecutive years.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1999. Original rule filed Aug. 24, 1999, effective April 30, 2000. Rescinded and readopted: Filed June 29, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities \$610,000 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2000-708, and be filed with an original and nine copies. A public hearing is scheduled for September 6, 2000, at 8:30 a.m., in Room 520B of the Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Missouri Department of Economic Development
Division: Missouri Public Service Commission
Chapter: Telecommunications Companies
Type of Rulemaking: New Rule (Surety Instrument Requirement)
Rule Number and Name: 4 CSR 240-32.110

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
	Class A Local Telephone Companies	
	Class B Local Telephone Companies	
61	Class C Local Telephone Companies	\$610,000
61	All entities	\$610,000

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services.

III. WORKSHEET

1. Annual fiscal cost is based on 61 Class C Telephone Companies * \$2,000 = \$122,000.
Total fiscal impact is based on \$122,000 annual cost * 5 years = \$610,000.

IV. ASSUMPTIONS

1. The life of the rule is estimated at five years.
2. Fiscal year 2000 dollars are used to estimate costs. No adjustment for inflation is applied.

3. Estimates assume no sudden change in technology that would influence costs.
4. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
5. The universe of entities is based on May 16, 2000 data and is assumed to remain constant. The universe of Class C Telephone Company entities is based on the number of companies with a certificate, approved interconnection agreement, and an approved tariff to provide basic local telecommunications services.
6. All Class A and Class B Telephone Companies are assumed to have a net book value of at least \$250,000 and therefore do not require a Surety Instrument.
7. All Class C Telephone Companies are assumed to have a net book value of less than \$250,000 and therefore require a Surety Instrument.
8. Class C Telephone Companies are assumed to require a Surety Instrument.
9. All Class C Telephone Companies are assumed to require a Surety Instrument for the life of the rule.
10. The Surety Instrument is assumed to provide a minimum of \$100,000 available to pay all legitimate claims permitted under the proposed rule. In addition the Surety Instrument is assumed to provide an additional amount sufficient to recover corporate trustee costs.
11. The Surety Instrument is assumed to have an annual cost of \$2,000. This cost is based on the record contained in Case No. TX-2000-158 and additional information obtained from surety bonding companies. Case No. TX-2000-158 provided evidence \$1,075 is a reasonable estimate of the annual cost of securing a \$100,000 surety bond. Discussions with a major bonding company indicate the annual cost of a \$100,000 surety bond can vary from \$300 to \$2,000. A \$2,000 annual cost is being used as a reasonable, average estimate in securing a Surety Instrument as contemplated by the proposed rule.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 4—Mental Health Programs

PROPOSED AMENDMENT

9 CSR 30-4.042 Admission Criteria. The department is amending subsection (4)(B).

PURPOSE: This amendment establishes proposed additional criteria and procedures for admission of eligible individuals to the community psychiatric rehabilitation program.

(4) The criteria for admission to community psychiatric rehabilitation program services shall include:

(B) Diagnosis. A physician or licensed psychologist shall certify a primary *Diagnostic and Statistical Manual (DSM)* diagnosis or *International Classification of Diseases, Ninth Revision with Clinical Modification (ICD-9-CM)*, using the current edition of the manual. This diagnosis may coexist with other psychiatric diagnoses in Axis I or other areas.

1. Schizophrenia
 - A. Disorganized
 - (I) DSM IV code: 295.1X
 - (II) ICD-9-CM code: 295.1X
 - B. Catatonic
 - (I) DSM IV code: 295.2X
 - (II) ICD-9-CM code: 295.2X
 - C. Paranoid
 - (I) DSM IV code: 295.3X
 - (II) ICD-9-CM code: 295.3X
 - D. Schizophreniform
 - (I) DSM IV code: 295.4X
 - (II) ICD-9-CM code: 295.4X
 - E. Residual
 - (I) DSM IV code: 295.6X
 - (II) ICD-9-CM code: 295.6X
 - F. Schizoaffective
 - (I) DSM IV code: 295.7X
 - (II) ICD-9-CM code: 295.7X
 - G. Undifferentiated
 - (I) DSM IV code: 295.9X
 - (II) ICD-9-CM code: 295.9X
2. Delusional disorder
 - A. DSM IV code: 297.1X
 - B. ICD-9-CM code: 297.1X
3. Bipolar I disorders
 - A. Single manic episode
 - (I) DSM IV code: 296.0X
 - (II) ICD-9-CM code: 296.0X
 - B. Most recent episode manic
 - (I) DSM IV code: 296.4X
 - (II) ICD-9-CM code: 296.4X
 - C. Most recent episode depressed
 - (I) DSM IV code: 296.5X
 - (II) ICD-9-CM code: 296.5X
 - D. Most recent episode mixed.
 - (I) DSM IV code: 296.6X
 - (II) ICD-9-CM code: 296.6X
4. Bipolar II disorders
 - A. DSM IV code: 296.89
 - B. ICD-9-CM code: 296.89
5. Psychotic disorders NOS
 - A. DSM IV code: 298.9
 - B. ICD-9-CM code: 298.9
6. Major depressive disorder-recur
 - A. DSM IV code: 296.3X
 - B. ICD-9-CM code: 296.3X
7. Obsessive-Compulsive Disorder
 - A. DSM IV code: 300.30
 - B. ICD-9-CM code: 300.3

8. Post Traumatic Stress Disorder
 - A. DSM IV code: 309.81
 - B. ICD-9-CM code: 309.81
9. Borderline Personality Disorder
 - A. DSM IV code: 301.83
 - B. ICD-9-CM code: 301.83
10. Anxiety Disorders
 - A. Generalized Anxiety Disorder
 - (I) DSM IV code: 300.02
 - (II) ICD-9-CM code: 300.02
 - B. Panic Disorder with Agoraphobia
 - (I) DSM IV code: 300.21
 - (II) ICD-9-CM code: 300.21
 - C. Panic Disorder without Agoraphobia
 - (I) DSM IV code: 300.01
 - (II) ICD-9-CM code: 300.01
 - D. Agoraphobia without Panic Disorder
 - (I) DSM IV code: 300.22
 - (II) ICD-9-CM code: 300.22
 - E. Social Phobia
 - (I) DSM IV code: 300.23
 - (II) ICD-9-CM code: 300.23

AUTHORITY: sections 630.050, RSMo [Supp. 1998] Supp. 1999 and 630.655 and 632.050, RSMo 1994. Original rule filed Jan. 19, 1989, effective April 15, 1989. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 30, 2000, effective July 11, 2000, expires Feb. 22, 2001. Amended: Filed June 30, 2000.

PUBLIC COST: This proposed amendment will cost state agencies an estimated \$4,613,708 each year. See fiscal note.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Mental Health, Attn: Julie Carel, Division of Comprehensive Psychiatric Services, P.O. Box 687, Jefferson City, MO 65102. To be considered comments must be in writing and must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Fiscal Note
Public Entity Cost**

I. RULE NUMBER. (All of the information in Part I comes from the header of the rule.)

Title: 9 -- Department of Mental Health

Division: 30 -- Certification Standards

Chapter: 4 Mental Health Programs

Type of Rulemaking: Emergency Amendment

Rule Number and Name: 9 CSR 30 -- 4.042 Admission Criteria

II. SUMMARY OF FISCAL IMPACT (Present a summary of fiscal impact. Use a separate row for each public agency or political subdivision affected.)

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Mental Health	\$1,378,354
Department of Social Services (Match)	\$1,983,427

III. WORKSHEET (Present more detailed fiscal information.)

Adult: \$825,000 Anticipated Cost
 330,000 State Match (DMH)
 495,000 Federal Match (Medical Services, Department of Social Services)

Youth:
 \$2,536,781 Anticipated Cost
 1,048,354 State Match (DMH)
 1,488,427 Federal match (Medical Services, Department of Social Services)

IV. ASSUMPTIONS AND METHODOLOGY. (Present assumptions, references and methods of acquiring information that underlie the conclusions in the fiscal note. Examples of information that might be included here are the sources of information presented in the fiscal note, why those sources were chosen and eventualities that might cause the fiscal impact to be different from your estimate.)

We have identified 1,100 adult clients that would be affected by this rule change and have assumed that 50% of them will enroll in the program for a total program cost of \$825,000.

We have identified 1,850 youth clients that would be affected by this rule change and have assumed that 50% of them will enroll in the program for a total program cost of \$2,536,781.

The costs shown in this note have already been appropriated by the General Assembly and no new money will be necessary to implement this change in Rules.

It is anticipated that the costs associated with this change will increase annually at the rate of the inflation factor.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.070 License Issuance Procedures and One License Concept of the Drivers License Compact. The director proposes to delete sections (1) and (2), amend and renumber section (3), and add a new section (2).

PURPOSE: This amendment establishes the requirements for out-of-state residents with a valid driver license and applying for a Missouri intermediate license.

[(1) An applicant for a Missouri drivers license shall meet the licensing provisions of Chapter 302, RSMo.

(2) An applicant for a new, duplicate or renewal Missouri drivers license shall be allowed to possess only one (1) valid license at any time.

(A) A person shall possess only a Class A, B, C, E, F or M license.

(B) Any change in license classification, restriction(s) or endorsement(s), or any combination of these, requires the applicant to apply for a new license with the proper change of classification, restriction(s) or endorsement(s) or any combination of these. At the time of application, a Driver License Renewal Label, containing the updated information, shall be placed on the back of the current license. The label shall be valid for sixty (60) days from the date of issuance.]

[(3)] (1) A new resident applying for a Missouri drivers license shall surrender any license in his/her possession. If the new resident has either lost or had the license(s) issued in any prior state of residence stolen, [a letter of clearance shall be approved by the Missouri State Highway Patrol or licensing office and] the Missouri State Highway Patrol may approve a letter of clearance issued by the prior licensing state or request the Drivers License Bureau to conduct an inquiry through the National Driver Register in order to determine the applicant's eligibility for a Missouri drivers license. If a letter of clearance is approved by the Missouri State Highway Patrol, it should accompany the license application.

(2) A new resident between the ages of sixteen (16) and eighteen (18) who surrenders a valid license from another state, shall receive an intermediate license if all other licensing requirements are met.

AUTHORITY: sections 302.010, [RSMo Supp. 1991] 302.301 and 302.720, RSMo [Supp. 1989] Supp. 1999 and 302.015 and 302.600, RSMo [1986] 1994. Original rule filed Sept. 1, 1986, effective Nov. 28, 1986. Amended: Filed Dec. 11, 1991, effective April 9, 1992. Amended: Filed Jan. 26, 1994, effective July 30, 1994. Amended: Filed June 29, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, com-

ments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.190 Drivers License Retesting Requirements After a License, School Bus Permit or Temporary Instruction Permit Expires. The director proposes to amend the purpose and sections (1) and (2).

PURPOSE: This amendment is necessary to outline the retesting requirements for a school bus permit or temporary instruction permit.

PURPOSE: This rule establishes the [drivers license] retesting requirements after a license, school bus permit or temporary instruction permit expires [pursuant to section 302.173, RSMo].

(1) Every holder of a valid Missouri drivers license, school bus permit, [or both,] or temporary instruction permit shall renew that license or permit[, or both,] on or before the date of expiration.

(2) If a person does not renew the drivers license, school bus permit, [or both,] or temporary instruction permit on or before the date of expiration, the person is allowed a grace period of six (6) months (one hundred eighty-four (184) days) to renew the license, school bus permit, [or both,] or temporary instruction permit without being required to take the written and/or skills examinations as described in 12 CSR 10-24.060 or 12 CSR 10-24.400. However, the grace period for retesting does not allow the person to continue driving on the expired license, [permit, or both] school bus permit, or temporary instruction permit.

AUTHORITY: section 302.173, RSMo [Supp. 1989] Supp. 1999. Original rule filed Oct. 30, 1989, effective Feb. 25, 1990. Amended: Filed July 15, 1991, effective Oct. 31, 1991. Amended: Filed Nov. 21, 1991, effective April 9, 1992. Amended: Filed June 29, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105-0629. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.200 Drivers License Classes. The director proposes to amend sections (5), (6), (16) and (17).

PURPOSE: This proposed amendment adds the intermediate license restrictions that are outlined in Senate Bill 19 and defines an "emergency situation" as required in section 302.178.2 of Senate Bill 19.

(5) Class E—The holder of a Class E license who receives compensation in wages, salary, commission or fare to drive any motor vehicle in the transportation of persons or property, or is an owner or employee and drives a motor vehicle carrying passengers or property for hire, or regularly drives a commercial motor vehicle of another person in the course of or as an incident to his/her employment, but whose principal occupation is not the driving of that motor vehicle, may drive any of the described vehicles [*provided, the license bears the proper endorsement(s), if any, required for the type of vehicle being driven*]. A holder of a Class E license shall not be entitled to drive any vehicle whose operation requires the driver to hold a Class A, Class B or Class C license. A holder of a Class E license may drive all vehicles which may be driven by a holder of a Class F license, but not motorcycles or vehicles which require an endorsement(s) unless the proper endorsement(s) appears on the license.

(6) Class F—The holder of a Class F license may drive any motor vehicle other than one requiring the driver to hold a Class A, Class B, Class C or Class E license, including any recreational vehicle being used solely for personal use, except that the holder of a Class F license may not drive motorcycles or vehicles which require an endorsement(s) unless the proper endorsement(s) appears on the license. Nothing in this section shall be construed to prevent operators of recreational motor vehicles for personal use from operating those vehicles with a Class F license. **The holder of a Class F intermediate license may drive the same types of vehicles as those driven by the holder of a Class F drivers license except that the holder of a Class F intermediate license cannot operate a motor vehicle on the highways of the state between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person who is at least twenty-one (21) years of age. The licensee is not required to be accompanied by someone twenty-one (21) years of age or older if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations. An emergency situation is defined as any sudden or unexpected event in which a potential injury or death may occur to a living being that requires the operation of a motor vehicle.**

(16) In addition to any other restrictions prescribed by the director, the holder of a Class A, Class B or Class C license who has not qualified to drive a motor vehicle equipped with air brakes shall have a restriction L shown on the license. The restriction L does not allow the holder of a license to drive a **commercial** motor vehicle equipped with air brakes.

(17) In addition to any other restrictions prescribed by the director, a person who takes the skills test for a Class A license in a vehicle whose combined registered gross weight is twenty-six thousand one **(26,001) pounds [(26,001 lbs.)]** or more, but whose combined gross vehicle weight rating as specified by the manufacturer is twenty-six thousand **(26,000) pounds [(26,000 lbs.)]** or less **towing a unit(s) whose gross vehicle weight rating as specified by the manufacturer is greater than ten thousand (10,000) pounds**, shall be restricted to operating vehicle combinations or single vehicles with a manufacturer's specified gross vehicle weight rating of twenty-six thousand **(26,000) pounds [(26,000 lbs.)]** or less.

AUTHORITY: sections 302.015, *RSMo* 1994 and 302.700, *RSMo Supp.* 1999. Original rule filed Jan. 16, 1990, effective May 11,

1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 29, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105-0629. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 103—Sales/Use Tax—Imposition of Tax

PROPOSED RULE

12 CSR 10-103.380 Photographers, Photofinishers and Photoengravers

PURPOSE: Section 144.020.1(1), *RSMo* imposes a tax on the retail sale of tangible personal property. Section 144.030.2(2), *RSMo* exempts materials that become a component part or ingredient of new personal property, which is intended to be sold ultimately at retail. Sections 144.030.2(4) and (5), *RSMo* exempts certain machinery, equipment, parts, materials, supplies and parts that are for replacement or are for a new or expanded plant. This rule explains the taxation rules for photographers, photofinishers and photoengravers and what elements must be met to qualify for these exemptions.

(1) In general, sales of photographs, photoengravings, photostats, blueprints, electrotypes, stereotypes, wood engravings and similar products are subject to tax. Purchases of materials and supplies that become component parts or ingredients of the final product, such as paper, are exempt. Purchases of machinery and equipment for replacement or for a new or expanded plant are exempt if directly used in the manufacturing process. This may include cameras and lenses.

(2) Definition of Terms: See the definition of terms in 12 CSR 10-111.010 Machinery and Equipment Exemptions.

(3) Basic Application of Tax.

(A) Sales of photoengravings, photostats, blueprints, electrotypes, stereotypes, wood engravings and the like, to consumers for use or consumption, whether on special order, contract or otherwise, are subject to tax.

(B) Sales of finished photographs by photographers are subject to tax. Services rendered by the photographer frequently represent a substantial portion of the total charges. Fees for the photographer's consultative and photographic services up to the point of previews are not subject to tax, if separately stated. Other charges for labor involved in creating the finished photographs are subject to tax even if separately stated. Sales by photographers are taxable because the true object of the photographers' customers is to obtain the finished photograph produced by the service.

(C) The sale of negative development services only, where no prints, slides or other tangible personal property are received, is not subject to tax. The developer must pay tax on materials and supplies used in the development process.

(D) Photographers, photofinishers, photoengravers, blueprinters and other persons purchasing tangible personal property such as paper, which becomes a component or an ingredient part of a finished product that will ultimately be sold at retail, may purchase their supplies under a resale exemption certificate.

(E) Supplies such as film, chemicals and other materials purchased for the photographer's own use or consumption are taxable. Chemicals that are intended to and do remain with the final product are considered an ingredient or component part of the final product for resale and are therefore not subject to tax.

(F) Equipment such as cameras and lenses, which is directly used to manufacture new personal property intended to be sold ultimately at retail, is exempt from tax. Replacement parts for this exempt equipment are also exempt.

(G) A photographer who enters into an exclusive contract with an elementary or high school to photograph students is liable for tax on photographs sold to students. The sales are not exempt as sales to an exempt organization because the sales are made to the students, not to the school.

(4) Examples.

(A) A couple arranged for a photographer to take pictures at their wedding. The photographer charged \$150 to take the pictures, develop the film and print proofs. The \$150 separately stated labor charge for taking the pictures and developing the proofs is not subject to tax. The couple decides to purchase \$200 worth of finished pictures. The \$200 for the finished pictures is subject to tax.

(B) If the photographer in example (4)(A) does not separately state the labor charges the entire sale price is taxable.

(C) A person went to a photographer to have glamour portraits taken. The photographer met with the person to discuss the desired results and the purpose of these photographs. The photographer advised the person on clothing to wear, makeup tips, described the setting and lighting, and other means the photographer uses. The photographer took several pictures and created proofs for the person to preview. The photographer charged a nonrefundable "sitting fee." This sitting fee is not subject to tax because this is a distinct and separate charge from the photographs.

(D) A photographer purchases chemicals and other supplies used to develop photographs. These chemicals and supplies are not intended to remain with the photograph. These purchases are subject to tax because they are consumed in the developing process and do not become a component or ingredient part of the photograph.

(E) A photographer purchased new cameras and a new lens to replace a broken lens. The new cameras allow the photographer to photograph twice as many pictures. The photographer can purchase the cameras exempt because it increases productivity. The new lens would also be exempt as replacement equipment.

(F) A photographer scans photographs into a computer for customers. If the photographer provides the customer a CD containing the images, the sale is taxable. However, if the photographer sends the images to customers via the Internet, the photographer has not sold tangible personal property and should not collect tax on this sale.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed June 29, 2000.

PUBLIC COST: This proposed rule will not cost the state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105-0629. To be considered,

comments must be received within thirty days after the publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 104—Sales/Use Tax—Registration**

PROPOSED RULE

12 CSR 10-104.030 Filing Requirements

PURPOSE: This rule provides general guidance for determining a taxpayer's filing frequency and the taxpayer's obligation to file a return and remit tax on the due date according to sections 144.080, 144.081, 144.090, 144.100, 144.140, 144.160, 144.170, and 144.250, RSMo.

(1) In general, sellers of tangible personal property and taxable services are required to file and remit tax on an annual, quarterly or monthly basis. Some sellers who file on a monthly basis may be required to remit tax on a quarter-monthly basis. Failure to file or remit taxes when due results in interest and additions to tax on the unpaid amount.

(2) Definitions.

(A) Calendar month—the first day to the last day of any of the twelve (12) months of the Gregorian calendar.

(B) Calendar quarter—the period of three (3) consecutive calendar months ending on March 31, June 30, September 30 or December 31.

(C) Quarter-month—

1. The first seven (7) days of a calendar month;
2. The eighth through the fifteenth day of a calendar month;
3. The sixteenth through the twenty-second day of a calendar month; and
4. The twenty-third day through the last day of a calendar month.

(3) Basic Application.

(A) Every licensed taxpayer must file a return and remit tax due by the statutory due date. The taxpayer must file a return even if no sales were made during the reporting period. The taxpayer is responsible for obtaining the necessary forms for filing. Failure to obtain tax forms does not relieve the taxpayer from filing.

(B) The taxpayer's filing frequency is determined by the amount of state sales tax collected by the taxpayer for all business locations during the previous calendar year. The filing frequency of a new business is based on the estimated taxable sales for the first year of operation. Local, conservation or parks and soils taxes are not considered in determining filing frequency.

1. If state tax collections equal or exceed five hundred dollars (\$500) per calendar month, the taxpayer must file and remit taxes on a monthly basis.

2. If state tax collections are less than five hundred dollars (\$500) per calendar month but equal or exceed forty-five dollars (\$45) in a calendar quarter; the taxpayer must file and remit taxes on a quarterly basis.

3. If state tax collections are less than forty-five dollars (\$45) per quarter, the taxpayer must file and remit taxes on an annual basis.

(C) A monthly return is due on the twentieth day of the following month, except for the last month of a quarter. A quarterly return and a monthly return filed for the last months of a quarter are due on the last day of the following month. An annual return is due on January 31 following the calendar year. If the due date

falls on a Saturday, Sunday or state of Missouri holiday the return is due on the next business day.

(D) The United States Postal Service postmark date determines the date the return is filed. If the postmark date is on or before the due date, it is timely. If the postmark is after the due date, the return is late. If a return contains both a taxpayer's metered postal impression and the U.S. Postal Service postmark, the date of the U.S. Postal Service postmark date determines the date the return is filed. If the return is mailed by registered mail, the date of registration determines the date the return is filed.

(E) A taxpayer filing a return and remitting the tax due on or before the due date is permitted a two percent (2%) timely payment allowance.

(F) A taxpayer failing to file a return by the due date will be assessed additions to tax of five percent (5%) on the unpaid amount for each month a return is late, up to a maximum of twenty-five percent (25%). A taxpayer failing to pay a return by the due date will be assessed additions of five percent (5%) on the unpaid amount. If a taxpayer both fails to timely file and fails to timely pay, the additions for failing to timely file applies. A taxpayer that fails to pay the proper amount of tax by the due date must pay interest on the unpaid amount at a rate determined pursuant to section 32.065, RSMo.

(G) The department may extend the time to file or pay a return for up to sixty (60) days. In order to obtain an extension, the taxpayer must obtain approval from the department prior to the due date. Extensions will only be granted for good cause. If the department approves an extension to file or pay, the taxpayer is not permitted a two percent (2%) timely payment allowance. Interest also accrues on any amount not paid by the due date.

(H) The department may require a taxpayer to remit state tax on a quarter-monthly basis if the taxpayer's state tax is fifteen thousand dollars (\$15,000) or more per month in each of at least six (6) months of the prior twelve (12) months. A quarter-monthly taxpayer must remit the tax within three (3) banking days after the end of each quarter-monthly period. The postmark date or registration date of the remittance will determine timeliness of the quarter-monthly payment. A quarter-monthly taxpayer must file a monthly return and remit any unpaid amounts.

(I) A taxpayer failing to remit a quarter-monthly payment is assessed a five percent (5%) penalty on the underpayment. A penalty will not be assessed if the quarter-monthly remittances are at least:

1. Ninety percent (90%) of the state tax due for the month; or

2. Twenty-five percent (25%) of the average monthly state tax liability of the taxpayer for the previous calendar year. The department excludes the highest and lowest monthly liability when calculating the average monthly liability.

(J) If a penalty is due, the underpayment amount is calculated as the difference between any timely remittance and the lesser of the two (2) amounts above. The penalty will not be imposed in the first two (2) months the seller is obligated to remit quarter-monthly tax or if the taxpayer can demonstrate reasonable cause.

(4) Examples.

(A) A taxpayer's average monthly taxable sales are \$15,000. The taxpayer's filing frequency is monthly because state tax collections computed as follows exceeds \$500 per calendar month— $\$15,000 \times 4\%$ (state rate) = \$600. Note: Local, conservation or parks and soils taxes are not considered in determining filing frequency.

(B) A taxpayer prepares its February return on March 20 and calculates tax due at \$25,000. When preparing the return the taxpayer takes the 2% timely payment allowance equaling \$500. The postal carrier picks up the return and payment on its last run of the day at 5:00. The post office postmarks all mail from its 5:00 pick-up for the next day. Because the return is postmarked on March 21, the return is 1 day late. The taxpayer loses the 2% timely payment

allowance. The \$25,000 is subject to 5% additions to tax. Interest accrues on \$500 until it is paid to the department.

(C) A taxpayer prepares its February return on March 19. When preparing the return the taxpayer takes the 2% timely payment allowance equaling \$500. The taxpayer sends the return and payment to its mailroom for metering. The taxpayer's mailroom meters the envelope on March 20. The postal carrier picks up the return on its last run of the day at 5:00. The post office postmarks all mail from its 5:00 pick-up for the next day. Because U.S. Postal Service's postmark is March 21, the return is 1 day late.

(D) A taxpayer sends a check for its February tax on March 10. The taxpayer discovers it sent the check without the return and mails the return on April 30. The taxpayer retains its 2% allowance because payment was received before the due date.

(E) A business' average monthly state tax for the previous calendar year equals \$20,000. The estimated quarter-monthly payment is \$5,000 per quarter-monthly period. The business' actual state tax collections are \$6,000 per quarter-monthly period. If the business remits quarter-monthly payments of \$5,000 timely, no penalty is charged. If the business underpays 1 of the estimated quarter-monthly payments by \$2,000 (it remits \$3,000), the penalty is 5% of the difference between the amount paid, \$3,000, and the estimate, \$5,000. The penalty is calculated as follows: $\$5,000 - \$3,000 = \$2,000 \times 5\%$ penalty = \$100.

(F) A business elects to make quarter-monthly payments on an actual basis. If the business pays at least 90% of the state tax collections for the month with the quarter-monthly payments, no penalty is charged. If the business does not meet the required 90% state tax collections for the month with the quarter-monthly payments, the penalty is 5% of the difference between the amount paid and the required 90% state tax collections.

AUTHORITY: sections 144.270 and 144.705, RSMo 1994. Original rule filed June 29, 2000.

PUBLIC COST: The proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue

Chapter 110—Sales/Use Tax—Exemptions

PROPOSED RULE

12 CSR 10-110.990 Tax—Sales of Food

PURPOSE: Section 144.014, RSMo provides for a reduced tax rate for certain sales of food. This rule explains when the reduced rate applies.

(1) In general, qualified sales of food by a qualified business are taxed at a reduced state rate of 1.225% plus any applicable local tax. All other sales of food are taxed at the full state rate of 4.225% plus any applicable local tax.

(2) Basic Application of Rule.

(A) Sales of food subject to the reduced rate include food that qualifies under the Federal Food Stamp Program. This includes food or food products for home consumption and seeds and plants

for use in gardens to produce foods for personal consumption. Alcoholic beverages, tobacco and hot food items ready for immediate consumption do not qualify for the reduced rate. Food items refrigerated or at room temperature qualify for the reduced rate, even if the purchaser elects to heat the item on the business' premises. Bakery items, even if still warm from baking, are qualified foods.

(B) A business whose gross receipts from sales of food and drink prepared for immediate consumption, either on or off premises, are 80% or less of its total gross receipts must remit tax on its food sales at a reduced state tax rate of 1.225% plus any applicable local tax.

(C) Sales of qualifying food through vending machines are subject to the reduced tax rate.

(3) Examples.

(A) A grocery store sells nonfood items and qualifying food items. The store will charge the regular tax rate on the nonfood items and the reduced tax rate on the qualifying food items.

(B) A vending machine company provides two vending machines to a business. One machine is for cold items and one machine keeps items hot. Only the cold items are eligible for the reduced tax rate. The hot items are subject to the regular tax rate.

(C) A convenience store sells burritos from its freezer. The convenience store provides a microwave so the purchaser can heat it. The sale of the burrito is taxed at the reduced rate because it is a qualifying food item.

(D) A vending machine company sells popcorn and soup in microwave pouches and containers. These items are sold at room temperature and are heated by the purchaser in a microwave provided in the vending area. These items are eligible for the reduced tax rate.

(E) A fast food restaurant sells cold salads and cold soft drinks. These cold items represent approximately 10% of total gross receipts. Because the restaurant's total food sales of items prepared for immediate consumption are more than 80% of the total sales, the restaurant should charge the regular tax rate on all its food sales.

(F) A convenience store sells prepared cold sub sandwiches, ice cream and cold drinks. The store also prepares and sells hot dogs and chili. All items are sold "to go." The store should charge the reduced tax rate on the cold items, but should charge the regular tax rate on the hot items.

AUTHORITY: section 144.270, RSMo 1994. Original rule filed June 29, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

PROPOSED AMENDMENT

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services. The division is amending section (13).

PURPOSE: This proposed amendment provides for a quality assurance incentive per-diem increase of \$3.20 and an adjustment to the reimbursement rate for high volume providers.

(13) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed elsewhere in this regulation, a facility's reimbursement rate may be adjusted as described in this section.

(B) Special Per-/d/Diem Rate Adjustments. Special per-diem rate adjustments may be added to a qualifying facility's rate without regard to the cost component ceiling if specifically provided as described below.

1. Patient care incentive. Each facility with a prospective rate on or after January 1, 1995, shall receive a per-diem adjustment equal to ten percent (10%) of the facility's allowable patient care per diem subject to a maximum of one hundred thirty percent (130%) of the patient care median when added to the patient care per diem as determined in subsection (11)(A). This adjustment will not be subject to the cost component ceiling of one hundred twenty percent (120%) for the patient care median.

2. Ancillary incentive. Each facility with a prospective rate on or after January 1, 1995, and which meets one (1) of the following criteria shall receive a per-diem adjustment:

A. If the facility's allowable ancillary per diem as determined in subsection (11)(B) is below ninety percent (90%) of the ancillary median, the adjustment is equal to one-half (1/2) of the difference between one hundred twenty percent (120%) and ninety percent (90%) of the ancillary median. The following is an illustration of how the ancillary per-diem adjustment is calculated:

120% of median	\$6.62
90% of median	\$4.97
Difference	\$1.65
1/2 the difference	<u>2</u>
Per-diem adjustment	\$.83

B. If the facility's allowable ancillary per diem as determined in subsection (11)(B) is between ninety percent (90%) and one hundred twenty percent (120%) of the median, the adjustment is equal to one-half (1/2) of the difference between one hundred twenty percent (120%) of the median and the facility's allowable ancillary per diem. The following is an illustration of how the ancillary per-diem adjustment is calculated:

90% of median	\$4.97
120% of median	\$6.62
Ancillary per diem	\$5.21
Difference	\$1.41
1/2 the difference	<u>2</u>
Per-diem adjustment	\$.71

3. Multiple component incentive. Each facility with a prospective rate on or after January 1, 1995, and meets the following criteria shall receive a per-diem adjustment:

A. If the sum of the facility's patient care per diem and ancillary per diem, as determined in subsections (11)(A) and (B), is greater than or equal to sixty percent (60%) but less than or equal to eighty percent (80%), rounded to four (4) decimal places (.5985 or .8015 would not receive the adjustment), of the facility's total per diem, the adjustment is as follows:

Percent of Total Per-Diem Rate	Incentive
< 60%	\$0.00
> or = 60% but < 65%	\$1.15
> or = 65% but < 70%	\$1.30
> or = 70% but < 75%	\$1.45
> or = 75% but < or 80% =	\$1.60

B. A facility shall receive an additional incentive if it receives the adjustment in subparagraph (13)(B)3.A. and the following calculation is greater than seventy-five percent (75%), rounded to four (4) decimal places (.7485 would not receive the adjustment): Medicaid days divided by the licensed nursing facility patient days from the facility's desk audited and/or field audited 1992 cost report. The adjustment is as follows:

Calculated Percentage	Incentive
< 75%	\$0.00
> or = 75% but < 80%	\$0.15
> or = 80% but < 85%	\$0.30
> or = 85% but < 90%	\$0.45
> or = 90% but < 95%	\$0.60
> or = 95%	\$0.75

4. 1967 Life Safety Code (LSC). Currently certified nursing facilities that must comply with a recent interpretation of paragraph 10-133 of the 1967 LSC which requires corridor walls to extend to the roof deck or achieve equivalency under the Fire Safety Evaluation System (FSES) will be reimbursed the reasonable and necessary cost to meet those standards required for compliance through their reimbursement rate. The reimbursement shall not be effective until the Division of Aging has confirmed that the corrective action to comply with the 1967 LSC or FSES is operational and has reviewed the cost for compliance. Fire sprinkler systems shall be reimbursed over a depreciation life of twenty-five (25) years, and other alternative corrective action will be reimbursed over a depreciable life of fifteen (15) years. The division will use a desk audited and/or field audited cost report with the latest period ending in calendar year 1992 which is on file with the division as of December 31, 1993. This adjustment will be computed based on the documented cost submitted to the division as follows:

A. Depreciation. The cost incurred for the approved corrective action to continue in compliance divided by the depreciable useful life;

B. Interest. The interest cost incurred to finance this project shall be documented by a statement from the lending institution detailing the total interest cost of the loan period. The total interest cost will be divided by the loan period on a straight line basis; and

C. The total of subparagraphs (13)(B)4.A. and B. will be divided by twelve (12) and then multiplied by the number of months covered by the 1992 cost report. This amount will be divided by the greater of actual patient days from the 1992 cost report or eighty-five percent (85%) of the licensed bed days from the 1992 cost report.

5. Any facility that had a 1967 LSC adjustment included in their December 31, 1994, reimbursement rate shall have that adjustment added to their January 1, 1995, reimbursement rate.

6. Replacement beds. A facility with a prospective rate in effect on or after January 1, 1995, may request a rate adjustment for replacement beds that resulted in the same number of beds being delicensed with the Division of Aging or the Department of Health. The facility shall provide documentation from the Division of Aging or the Department of Health that verifies the number of beds used for replacement have been delicensed from that facility. The rate adjustment will be calculated as the difference between the capital component per diem (fair rental value (FRV)) prior to the replacement beds being placed in service and the capital component per diem (FRV) including the replacement beds placed in service as calculated in subsection (11)(D) including the replacement beds placed in service. The capital component is calculated for the replacement beds using the asset value per licensed bed as determined using the R. S. Means Construction Index for nursing facility beds adjusted for the Missouri indexes for the date the replacement beds are placed in service.

7. Additional beds. A facility with a prospective rate in effect on or after January 1, 1995, may request a rate adjustment for additional beds. The facility must obtain an approved certificate of need or applicable waiver for the additional beds. The rate adjustment will be calculated as the difference between the capital component per diem (FRV) prior to the additional beds being placed in service and the capital component per diem (FRV) including the additional beds as calculated in subsection (11)(D) including the additional beds placed in service. The capital component is calculated for the additional beds using the asset value per licensed bed as determined using the R. S. Means Construction Index for nursing facility beds adjusted for the Missouri indexes for the date the additional beds are placed in service.

8. Extraordinary circumstances. A participating facility which has a prospective rate may request an adjustment to its prospective rate due to extraordinary circumstances. This request must be submitted in writing to the division within one (1) year of the occurrence of the extraordinary circumstance. The request must clearly and specifically identify the conditions for which the rate adjustment is sought. The dollar amount of the requested rate adjustment must be supported by complete, accurate and documented records satisfactory to the division. If the division makes a written request for additional information and the facility does not comply within ninety (90) days of the request for additional information, the division shall consider the request withdrawn. Requests for rate adjustments that have been withdrawn by the facility or are considered withdrawn because of failure to supply requested information may be resubmitted once for the requested rate adjustment. In the case of a rate adjustment request that has been withdrawn and then resubmitted, the effective date shall be the first day of the month in which the resubmitted request was made providing that it was made prior to the tenth day of the month. If the resubmitted request is not filed by the tenth of the month, rate adjustments shall be effective the first day of the following month. Conditions for an extraordinary circumstance are as follows:

A. When the provider can show that it incurred higher costs due to circumstances beyond its control, the circumstances were not experienced by the nursing home industry in general and the costs have a substantial cost effect;

B. Extraordinary circumstances include:

(I) Natural disasters such as fire, earthquakes and flood that are not covered by insurance and that occur in a federally declared disaster area; and

(II) Vandalism and/or civil disorder that are not covered by insurance; and

C. The rate increase shall be calculated as follows:

(I) The one (1)-time costs, (costs that will not be incurred in future fiscal years):

(a) To determine what portion of the incurred costs will be paid, the division will use the patient occupancy days from latest available quarterly occupancy survey from the Division of Aging for the time period preceding when the extraordinary circumstances occurred; and

(b) The costs directly associated with the extraordinary circumstances will be multiplied by the above percent. This amount will be divided by the paid days for the month the rate adjustment becomes effective per paragraph (13)(B)8. This calculation will equal the amount to be added to the prospective rate for only one (1) month, which will be the month the rate adjustment becomes effective. For this one (1) month only, the ceiling will be waived.

(II) For ongoing costs (costs that will be incurred in future fiscal years): Ongoing annual costs will be divided by the greater of: annualized (calculated for a twelve (12)-month period) total patient days from the latest cost report on file or eighty-five percent (85%) of annualized total bed days. This calculation will equal the amount to be added to the respective cost center, not to

exceed the cost component ceiling. The rate adjustment, subject to ceiling limits will be added to the prospective rate.

(III) For capitalized costs, a capital component per diem (FRV) will be calculated as determined in subsection (11)(D). The rate adjustment will be calculated as the difference between the capital component per diem (FRV) prior to the extraordinary circumstances and the capital component per diem (FRV) including the extraordinary circumstances.

9. Quality Assurance Incentive.

A. Each nursing facility with an interim or prospective rate on or after July 1, 2000, shall receive a per-diem adjustment of \$3.20. The Quality Assurance Incentive adjustment will be added to the facility's current rate.

B. The Quality Assurance Incentive per-diem increase shall be used for the wages and salaries of direct patient care staff. Any increases in wages and benefits already codified in a collective bargaining agreement in effect as of July 1, 2000, will not be counted towards the expenditure requirements of the Quality Assurance Incentive as stated above. Nursing facilities with collective bargaining agreements shall provide such agreements to the division.

10. High Volume Adjustment. Effective for dates of service July 1, 2000, a high volume adjustment shall be granted to qualifying providers. A provider must qualify each July 1, the beginning of each state fiscal year (SFY), for the high volume adjustment and the adjustment will be effective for services rendered during the SFY, July 1 through June 30. For a provider who has a high volume adjustment on June 30, but does not qualify for the high volume adjustment on July 1 of the subsequent SFY, that provider's prospective rate will be reduced by the amount of the high volume adjustment included in the facility's prospective rate in effect June 30.

A. Each facility with a prospective rate on or after July 1, 2000, and which meets all of the following criteria shall receive a per-diem adjustment:

(I) Have on file at the division a full twelve (12)-month cost report ending in the third calendar year prior to the state fiscal year in which the adjustment is being determined (i.e., for SFY 2001, the third prior year would be 1998, for SFY 2002, the third prior year would be 1999, etc.);

(II) The Medicaid patient days as determined from the cost report identified in part (13)(B)10.A.(I) exceeds eighty-five percent (85%) of the total patient days for all nursing facility licensed beds;

(III) The allowable cost per patient day as determined by the division from the applicable cost report for the patient care, ancillary and administration cost components, as set forth in paragraphs (11)(A)1., (11)(B)1. and (11)(C)1., exceeds the per-diem ceiling for each cost component in effect at the end of the cost report period; and

(IV) Government owned or operated facilities shall not be eligible for this adjustment.

B. The adjustment will be equal to ten percent (10%) of the sum of the per-diem ceilings for the patient care, ancillary and administration cost components in effect on July 1 of each year.

C. The division may reconstruct and redefine the qualifying criteria and payment methodology for the high volume adjustment.

PUBLIC COST: This proposed amendment will cost state agencies \$32,758,989 for SFY 2001 and annually thereafter.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

AUTHORITY: sections 208.153, 208.159, and 208.201, RSMo 1994. Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 21, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed June 29, 2000.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title : 13 - Department of Social Services

Division : 70 - Division of Medical Services

Chapter : 10 - Nursing Home Program

Type of Rulemaking : Proposed Amendment

Rule Number and Name : 13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	Annual estimated cost = \$32,758,989

III. WORKSHEET

Quality Assurance Incentive:

Estimated annual Medicaid days	9,735,468
Quality Assurance Incentive	<u>x \$3.20</u>
Estimated annual cost	<u>\$31,153,498</u>

High Volume Adjustment:

Estimated qualifying Medicaid days	223,606
Add-On Rate	<u>x \$7.18</u>
Estimated annual cost	<u>\$1,605,491</u>

Total Annual Impact	<u>\$32,758,989</u>
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IV. ASSUMPTIONS

Quality Assurance Incentive: The annual impact of the \$3.20 quality assurance incentive is \$31,153,498 based on an estimated annual Medicaid days of 9,735,468.

High Volume Adjustment: Facilities must have 85% or greater Medicaid occupancy and have allowable costs in excess of the patient care, ancillary and administration cost component ceilings. Based on the 1998 cost reports, five (5) facilities qualify for this adjustment with an estimated annual Medicaid days of 223,606. The add-on rate of \$7.18 is equal to 10% of the patient care, ancillary and administration cost component ceilings at July 1, 2000.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

PROPOSED AMENDMENT

13 CSR 70-10.050 Pediatric Nursing Care Plan. The division is amending section (13).

PURPOSE: This proposed amendment provides for a Quality Assurance Incentive per-diem increase of \$3.20 for pediatric nursing facilities participating in the Medicaid program.

(13) Rate Adjustments.

(D) Special Per-Diem Rate Adjustments. Special per-diem rate adjustments may be added to a qualifying facility's rate without regard to the level of care ceiling if specifically provided as described below.

1. Quality Assurance Incentive.

A. Each pediatric nursing facility with an interim or prospective rate on or after July 1, 2000, shall receive a per-diem adjustment of \$3.20. The quality assurance incentive adjustment will be added to the facility's current rate.

B. The Quality Assurance Incentive per-diem increase shall be used for the wages and salaries of direct patient care staff. Any increases in wages and benefits already codified in a collective bargaining agreement in effect as of July 1, 2000, will not be counted towards the expenditure requirements of the Quality Assurance Incentive as stated above. Nursing facilities with collective bargaining agreements shall provide such agreements to the division.

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 1994. Original rule filed Sept. 26, 1989, effective Feb. 11, 1990. For intervening history, please consult the Code of State Regulations. Amended: Filed June 30, 2000.

PUBLIC COST: This proposed amendment will cost public entities or political subdivisions \$5,498 annually.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, Director of Medicaid, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COSTS****I. RULE NUMBER**Title : 13 - Department of Social ServicesDivision : 70 - Division of Medical ServicesChapter : 10 - Nursing Home ProgramType of Rulemaking : Proposed AmendmentRule Number and Name : 13 CSR 70-10.050 Pediatric Nursing Care Plan**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	Annual estimated cost = \$5,498

III. WORKSHEET

Estimated annual Medicaid days	1,718
Quality Assurance Incentive	<u>x \$3.20</u>
Estimated annual cost	<u>\$5,498</u>

IV. ASSUMPTIONS

The annual impact of the \$3.20 quality assurance incentive is \$5,498 based on an estimated annual Medicaid days of 1,718.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

PROPOSED AMENDMENT

13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services. The division is amending sections (4) and (13).

PURPOSE: This proposed amendment provides for a Quality Assurance Incentive per-diem increase of \$3.20 for HIV nursing facilities participating in the Medicaid program.

(4) Definitions.

(YY) Incorporation by Reference. This rule adopts and incorporates by reference the provisions of the—

1. Missouri Department of Social Services, Division of Medical Services, Financial and Statistical Report for Nursing Facilities (Titles XIX Cost Report);

2. Missouri Medicaid Nursing Home Manual.

(13) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed elsewhere in this regulation, a facility's reimbursement rate may be adjusted as described in this section.

(B) Special Per-diem Rate Adjustments. Special per-diem rate adjustments may be added to a qualifying HIV nursing facility's rate without regard to the cost component ceiling if specifically provided as described below.

1. Replacement beds. A facility with a prospective rate in effect after November 30, 1995, may request a rate adjustment for replacement beds that resulted in the same number of beds being delicensed with the Division of Aging. The facility shall provide documentation from the Division of Aging that verifies the number of beds used for replacement have been delicensed from that facility. The rate adjustment will be calculated as the difference between the capital component per diem (fair rental value, FRV) prior to the replacement beds being placed in service and the capital component per diem FRV including the replacement beds placed in service as calculated in subsection (11)(D) including the replacement beds placed in service. The capital component is calculated for the replacement beds using the asset value per licensed bed as determined using the R. S. Means Construction Index for nursing facility beds adjusted for the Missouri indexes for the date the replacement beds are placed in service.

2. Additional beds. A facility with a prospective rate in effect after November 30, 1995, may request a rate adjustment for additional beds. The facility must obtain an approved certificate of need or applicable waiver for the additional beds. The rate adjustment will be calculated as the difference between the capital component per diem FRV prior to the additional beds being placed in service and the capital component per diem FRV including the additional beds as calculated in subsection (11)(D) including the additional beds placed in service. The capital component is calculated for the additional beds using the asset value per licensed bed as determined using the R. S. Means Construction Index for nursing facility beds adjusted for the Missouri indexes for the date the additional beds are placed in service.

3. Extraordinary circumstances. A participating facility which has a prospective rate may request an adjustment to its prospective rate due to extraordinary circumstances. This request must be submitted in writing to the division within one (1) year of the occurrence of the extraordinary circumstance. The request must clearly and specifically identify the conditions for which the rate adjustment is sought. The dollar amount of the requested rate adjustment must be supported by complete, accurate and documented records satisfactory to the division. If the division makes a written request for additional information and the facility does

not comply within ninety (90) days of the request for additional information, the division shall consider the request withdrawn. Requests for rate adjustments that have been withdrawn by the facility or are considered withdrawn because of failure to supply requested information may be resubmitted once for the requested rate adjustment. In the case of a rate adjustment request that has been withdrawn and then resubmitted, the effective date shall be the first day of the month in which the resubmitted request was made providing that it was made prior to the tenth day of the month. If the resubmitted request is not filed by the tenth of the month, rate adjustments shall be effective the first day of the following month. Conditions for an extraordinary circumstance are as follows:

A. When the provider can show that it incurred higher costs due to circumstances beyond its control, the circumstances were not experienced by the nursing home industry in general and the costs have a substantial cost effect;

B. Extraordinary circumstances include:

(I) Natural disasters such as fire, earthquakes and flood that are not covered by insurance and that occur in a federally declared disaster area; and

(II) Vandalism and/or civil disorder that are not covered by insurance; and

C. The rate increase shall be calculated as follows:

(I) The one (1)-time costs (costs that will not be incurred in future fiscal years):

(a) To determine what portion of the incurred costs will be paid, the division will use the patient occupancy days from latest available quarterly occupancy survey from the Division of Aging for the time period preceding when the extraordinary circumstances occurred; and

(b) The costs directly associated with the extraordinary circumstances will be multiplied by the above percent. This amount will be divided by the paid days for the month the rate adjustment becomes effective per paragraph (13)(B)3. This calculation will equal the amount to be added to the prospective rate for only one (1) month, which will be the month the rate adjustment becomes effective. For this one (1) month only, the ceiling will be waived.

(II) For ongoing costs (costs that will be incurred in future fiscal years): Ongoing annual costs will be divided by the greater of: annualized (calculated for a twelve (12)-month period) total patient days from the latest cost report on file or eighty-five percent (85%) of annualized total bed days. This calculation will equal the amount to be added to the respective cost center, not to exceed the cost component ceiling. The rate adjustment, subject to ceiling limits will be added to the prospective rate.

(III) For capitalized costs, a capital component per diem FRV will be calculated as determined in subsection (11)(D). The rate adjustment will be calculated as the difference between the capital component per diem FRV prior to the extraordinary circumstances and the capital component per diem FRV including the extraordinary circumstances.

4. Quality Assurance Incentive.

A. Each HIV nursing facility with an interim or prospective rate on or after July 1, 2000, shall receive a per-diem adjustment of \$3.20. The Quality Assurance Incentive adjustment will added to the facility's current rate.

B. The Quality Assurance Incentive per-diem increase shall be used for the wages and salaries of direct patient care staff. Any increases in wages and benefits already codified in a collective bargaining agreement in effect as of July 1, 2000, will not be counted towards the expenditure requirements of the Quality Assurance Incentive as stated above. Nursing facilities with collective bargaining agreements shall provide such agreements to the division.

*AUTHORITY: sections [197.319,] 208.153, and 208.201, RSMo 1994. Original rule filed Aug. 1, 1995, effective March 30, 1996. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 30, 2000.*

PUBLIC COST: This proposed amendment will cost public entities or political subdivisions \$16,189 annually.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, Director of Medicaid, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COSTS**

I. RULE NUMBER

Title : 13 - Department of Social Services

Division : 70 - Division of Medical Services

Chapter : 10 - Nursing Home Program

Type of Rulemaking : Proposed Amendment

Rule Number and Name : 13 CSR 70-10.080 Prospective Reimbursement Plan for HIV
Nursing Facility Services

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	Annual estimated cost = \$16,189

III. WORKSHEET

Estimated annual Medicaid days	5,059
Quality Assurance Incentive	<u>x \$3.20</u>
Estimated annual cost	<u>\$16,189</u>

IV. ASSUMPTIONS

The annual impact of the \$3.20 quality assurance incentive is \$16,189 based on an estimated annual Medicaid days of 5,059.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program

PROPOSED AMENDMENT

13 CSR 70-20.030 Drugs Covered by Medicaid. The division proposes to amend section (1).

PURPOSE: This amendment corrects errors in the current section.

(1) Limiting Definition—As defined in the Social Security Act, section 1927(k)(3), “the term ‘covered outpatient drug’ does not include any drug, biological product, or insulin provided as part of, or as incident to and in the same setting as any of the following (and for which payment may be made under this title as part of payment for the following and not as direct reimbursement for the drug):

“(A) Inpatient [H/hospital services.

“(B) Hospice services.

“(C) Dental services, except that drugs for which the [s/State plan authorized direct reimbursement to the dispensing dentist are covered outpatient drugs.

“(D) Physicians’ services.

“(E) Outpatient hospital services [*** emergency room visits].

“(F) Nursing facility services and services provided by an intermediate care facility for the mentally retarded.

“(G) Other laboratory and [X/x-ray services.

“(H) Renal dialysis.

“Such term also does not include any such drug or product for which [is/ a National Drug Code number is not required by the Food and Drug Administration or a drug or biological used for a medical indication which is not a medically accepted indication.”

AUTHORITY: sections 208.152, 208.153, [RSMo Supp. 1991] and 208.201, RSMo [Supp. 1987] 1994. This rule was previously filed as 13 CSR 40-81.010. Original rule filed Jan. 21, 1964, effective Jan 31, 1964. For intervening history, please consult the Code of State Regulations. Amended: Filed June 29, 2000.

PUBLIC COST: This proposed amendment will not cost public entities or political subdivisions more than \$500 in the aggregate over the life of the rule.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication in the Missouri Register. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program

PROPOSED AMENDMENT

13 CSR 70-20.031 List of [Restricted] Excludable Drugs for Which Prior Authorization is Required. The division proposes to amend section (3).

PURPOSE: The Division of Medical Services is proposing to amend this rule by clarifying the language to more accurately define the products affected, and by moving two drug product entries to another proposed rule published in this issue of the Missouri Register.

(3) List of drugs or categories of **excludable** drugs which are restricted to require prior authorization for certain specified indications—

Drug or Category of Drug	Allowed Indications
Amphetamines	Attention Deficit Hyperactivity Disorder Narcolepsy
Barbiturates (with the exception of phenobarbital and mephobarbital which do not require prior authorization)	All medically accepted uses
Isotretinoin [Ketoralac, oral]	Noncosmetic uses [Short-term treatment of moderately severe acute pain following injection of same entity]
Orlistat	Dyslipidemia
Retinoic Acid, topical [Sildenafil Citrate]	Noncosmetic uses [Erectile dysfunction]

AUTHORITY: sections 208.153 and 208.201, RSMo 1994. Original rule filed Dec. 13, 1991, effective Aug. 6, 1992. Amended: Filed May 15, 1992, effective Jan. 15, 1993. Amended: Filed March 1, 1996, effective Oct. 30, 1996. Amended: Filed May 27, 1999, effective Dec. 30, 1999. Amended: Filed June 29, 2000.

PUBLIC COST: This proposed amendment will not cost public entities or political subdivisions more than \$500 in the aggregate over the life of the rule.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate over the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:30 a.m., August 31, 2000, in Conference Room 210, 615 Howerton Court, Jefferson City, Missouri.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program

PROPOSED AMENDMENT

13 CSR 70-20.032 List of Drugs Excluded From Coverage Under the Missouri Medicaid Pharmacy Program. The division proposes to amend section (2).

PURPOSE: The Division of Medical Services is proposing to amend this rule by adding two listings under Exceptions, making them reimbursable.

(2) List of drugs or classes which are excluded from reimbursement through the Missouri Medicaid Pharmacy Program—

<u>Drug or Category</u>	<u>Exceptions—(Reimbursable)</u>
Drugs used to promote fertility	
Drugs used to promote weight loss	

<u>[Drug or Category]</u>	<u>Exceptions—(Reimbursable)</u>
Drugs used to promote hair growth	
Drugs used for cosmetic purposes	
Nonlegend vitamins, multivitamins and minerals, adult	Children's chewable multivitamins Calcium preparations Iron preparations

Drugs used to promote smoking cessation	
Nonlegend lotions, shampoos and medicinal soaps	
Nonlegend acne preparations	
Nonlegend weight control products	
Nonlegend ophthalmic products	Artificial tear products Eyewash products Ocular lubricants

<u>[Ocular lubricants]</u>	
Contact lens products	
Nonlegend oral analgesics	All nonlegend strengths and dosage forms of: Acetaminophen Aspirin Buffered Aspirin Ibuprofen Naproxen sodium

Nonlegend stimulant products
Nonlegend external analgesic products
Nonlegend hemorrhoidal products
Halazepam
Prazepam
Estazolam
Quazepam

AUTHORITY: sections 208.153, [RSMo Supp. 1991] and 208.201, RSMo [Supp. 1987] 1994. Original rule filed Dec. 13, 1991, effective Aug. 6, 1992. Amended: Filed June 30, 2000.

PUBLIC COST: This proposed amendment will not cost public entities or political subdivisions more than \$500 in the aggregate over the life of the rule.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate over the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:30 a.m., August 31, 2000, in Conference Room 210, 615 Howerton Court, Jefferson City, Missouri.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program**

PROPOSED RULE

13 CSR 70-20.034 List of Non-Excludable Drugs for Which Prior Authorization Is Required

PURPOSE: This rule establishes a listing of non-excludable drugs and categories of drugs for which prior authorization is required in order for them to be reimbursable under the Missouri Medicaid Pharmacy Program.

(1) As specified in section 1927(d)(1) of the Social Security Act, states may subject to prior authorization any covered outpatient drug. Any such prior authorization program shall comply with the requirements of section 1927(d)(5) of the Social Security Act.

(2) List of drugs or categories of drugs which are restricted to require prior authorization for certain specified indications—

<u>Drug or Category of Drug</u>	<u>Allowed Indications</u>
Abortifacients	Termination of pregnancy resulting from an act of rape or incest or when necessary to protect the life of the mother
Butorphanol, nasal spray	Override of quantity restriction allowed for medically accepted uses
Drugs used to treat sexual dysfunction	Sexual dysfunction
Histamine 2 Receptor Antagonists	Medically accepted uses
Ketorolac, oral	Short-term treatment of moderately severe acute pain following injection of same entity
Linezolid, oral	Medically accepted uses
Modafanil	Narcolepsy
Proton Pump Inhibitors	Medically accepted uses

AUTHORITY: sections 208.152, 208.153 and 208.201, RSMo 1994. Original rule filed June 29, 2000.

PUBLIC COST: This proposed rule will not cost public entities or political subdivisions more than \$500 in the aggregate over the life of the rule.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate over the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:30 a.m., August 31, 2000, in Conference Room 210, 615 Howerton Court, Jefferson City, Missouri.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program

PROPOSED RULE

13 CSR 70-20.045 Thirty-One Day Supply Maximum Restriction on Pharmacy Services Reimbursed by the Division of Medical Services

PURPOSE: The purpose of this is to establish a thirty-one day supply maximum restriction per dispensing on pharmacy services reimbursed by the Division of Medical Services on behalf of patients eligible for any of the fee-for-service programs.

(1) The maximum days supply of medication which may be provided per dispensing on behalf of a patient eligible for any of the fee-for-service programs is thirty-one (31) day supply, except for those drugs and/or categories under the provisions of this rule. Medication may be dispensed in quantities less than a thirty-one (31) day supply, if so ordered by the prescriber, except as specified elsewhere in this rule.

(2) Drugs and/or categories of medications which are exempt from the thirty-one (31) day supply limitation and therefore may be dispensed in quantities exceeding a thirty-one (31) day supply are as follows:

Drug or Category	Maximum Limitation, If Applicable
Antiretroviral Agents	
Contraceptives, Oral	One year
Drug products limited by packaging requirements	Packaging requirements
Vitamins, Children's	100 days
Vitamins, Prenatal	100 days

AUTHORITY: sections 208.152, 208.153 and 208.201, RSMo 1994. Original rule filed June 29, 2000.

PUBLIC COST: This proposed rule will not cost public entities or political subdivisions more than \$500 in the aggregate over the life of the rule.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE
Division 400—Life, Annuities and Health
Chapter 1—Life Insurance and Annuity Standards

PROPOSED AMENDMENT

20 CSR 400-1.130 Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities. The department is amending sections (1)–(4), adding one new section and deleting the Tables that follow this rule in the *Code of State Regulations*.

PURPOSE: This amendment recognizes the following mortality tables for use in determining the minimum standard of valuation

for annuity and pure endowment contracts: 1983 Table A, 1983 Group Annuity Mortality (GAM) Table, Annuity 2000 Mortality Table, and 1994 Group Annuity Reserving (GAR) Table.

(1) Definitions.

(C) As used in this rule 1994 Group Annuity Reserving (GAR) Table means that mortality table developed by the Society of Actuaries Group Annuity Valuation Table Task Force. The 1994 GAR Table is included in the report on pages 865–919 of Volume XLVII of the “Transactions of the Society of Actuaries (1995).”

(D) As used in this rule Annuity 2000 Mortality Table means that mortality table developed by the Society of Actuaries Committee on Life Insurance Research. The Annuity 2000 Mortality Table is included in the report on pages 211–249 of Volume XLVII of the “Transactions of the Society of Actuaries (1995).”

(2) Individual Annuity or Pure Endowment Contracts.

(A) Except as provided in subsections (B) and (C) of this section, /T/ the 1983 Table A is recognized and approved as an individual annuity mortality table for valuation and, at the option of the company, may be used for purposes of determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after September 28, 1979.

(B) Except as provided in subsection (C) of this section, either /T/ the 1983 Table A or the Annuity 2000 Mortality Table is to be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 1987.

(C) Except as provided in subsection (D) of this section, the Annuity 2000 Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1 of the year following the effective date of this rule.

(D) The 1983 Table A without projection is to be used for determining the minimum standards of valuation for an individual annuity or pure endowment contract issued on or after January 1 of the year following the effective date of this rule, solely when the contract is based on life contingencies and is issued to fund periodic benefits arising from:

1. Settlements of various forms of claims pertaining to court settlements or out of court settlements from tort actions;
2. Settlements involving similar actions such as workers' compensation claims; or
3. Settlements of long-term disability claims where a temporary or life annuity has been used in lieu of continuing disability payments.

(3) Group Annuity or Pure Endowment Contracts.

(A) Except as provided in subsections (B) and (C) of this section, /T/ the 1983 GAM Table, [and/ the 1983 Table A and the 1994 GAR Table are recognized and approved as group annuity mortality tables for valuation and, at the option of the company, [either/ any one of these tables may be used for purposes of valuation for any annuity or pure endowment purchased on or after September 28, 1979, under a group annuity or pure endowment contract.

(B) Except as provided in subsection (C) of this section, either /T/ the 1983 GAM Table or the 1994 GAR Table is to be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 1987 under a group annuity or pure endowment contract.

(C) The 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1 of the year following the effective date of this rule under a group annuity or pure endowment contract.

(4) Application of the 1994 GAR Table. In using the 1994 GAR Table, the mortality rate for a person age x in year $(1994 + n)$ is calculated as follows:

$$q_x^{1994+n} = q_x^{1994}(1 - AA_x)^n$$

where the q_x^{1994} s and AA_x s are as specified in the 1994 GAR Table.

[(4)](5) Separability. If any provision of this rule or the application of this rule to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of that provision to other persons or circumstances shall not be affected by it.

AUTHORITY: sections 374.045, RSMo [1978] Supp. 1999 and 376.380, RSMo [Supp. 1984] 1994. This rule was previously filed as 4 CSR 190-13.270. Original rule filed April 2, 1986, effective Aug. 25, 1986. Amended: Filed June 23, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on September 6, 2000. The public hearing will be held at the Harry S Truman State Office Building, Room 630, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to this proposed amendment, until 5:00 p.m. on September 6, 2000. Written statements shall be sent to Stephen R. Gleason, Department of Insurance, P.O. Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 20—Method of Sale for Products**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 413.065, RSMo Supp. 1999, the director amends a rule as follows:

2 CSR 90-20.040 *NIST Handbook 130*, "Uniform Regulation for the Method of Sale of Commodities" is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 3, 2000 (25 MoReg 760). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 22—Packaging and Labeling**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 413.065, RSMo Supp. 1999, the director amends a rule as follows:

2 CSR 90-22.140 *NIST Handbook 130*, "Uniform Packaging and Labeling Regulation" is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 3, 2000 (25 MoReg 760). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 25—Price Verification**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Agriculture under section 413.065, RSMo Supp. 1999, the director amends a rule as follows:

2 CSR 90-25.010 Price Verification Procedures is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 3, 2000 (25 MoReg 761). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 1—Organization and Description of Board**

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.190 and 329.191, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 90-1.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 926-927). The section with changes is reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No comments were received, however, upon the board's review of the proposed amendment, it was noted that the words "within state" were not deleted in the original proposed amendment. Based on House Bill 343 of the 90th General Assembly, the board is amending section (3) of the rule to allow members of the board to receive compensation for attendance at meetings.

4 CSR 90-1.010 General Organization

(3) Each member of the State Board of Cosmetology shall receive the sum of seventy dollars (\$70) as compensation for each day

actually spent in attendance at meetings of the board, not to exceed forty-eight (48) days in any calendar year and in addition they shall be reimbursed for all necessary expenses incurred in the performance of their duties as members of the board.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 2—Cosmetology Schools**

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.040, 329.050, 329.120 and 329.210, RSMo Supp. 1999 and 329.230, RSMo 1994, the board amends a rule as follows:

4 CSR 90-2.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 928). The section with changes is reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No comments were received, however, upon the board's review of the proposed amendment, a change has been made to subsection (5)(D). The board determined to retain the current phrase in the rule defining training hours as it was inadvertently deleted in the proposed amendment.

4 CSR 90-2.010 Schools

(5) School Requirements.

(D) All persons holding a license to operate a cosmetology school shall be responsible for submitting properly completed termination forms for all students who terminate their training. Cosmetology school license holders are responsible for obtaining termination forms from the board. Termination forms must be submitted within two (2) weeks of the date of student's termination. The date of a student's termination is either: 1) the date the student affirmatively indicates to the school his/her intent to terminate training; or 2) the last day of any two (2)-week period during which the student failed to attend a single class. However, a school shall not terminate a student for up to six (6) weeks if the student notifies the school in writing of his/her leave of absence and the student's anticipated date of return. If the student does not return on the anticipated date of return, the school shall automatically terminate the student on that date. The phrase, training hours, is defined as the number of hours a student was in attendance at the school and for which time the school kept a record of those hours for instruction or training.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 3—Students**

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.040, 329.050, and 329.120, RSMo Supp. 1999 and 329.070 and 329.230, RSMo 1994, the board amends a rule as follows:

4 CSR 90-3.010 Students is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 928-930). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 4—Beauty Shops**

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under section 329.230, RSMo 1994, the board rescinds a rule as follows:

4 CSR 90-4.020 Practice Outside of or Away from Beauty Shops is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 931). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 4—Beauty Shops**

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.110.2, RSMo Supp. 1999 and 329.230, RSMo 1994, the board adopts a rule as follows:

4 CSR 90-4.020 Practice Outside of or Away from Beauty Shops is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 931). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 11—Sanitation**

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.035, 329.140 and 329.210, RSMo Supp. 1999 and 329.230, RSMo 1994, the board amends a rule as follows:

4 CSR 90-11.010 Sanitation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 931-932). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 90—State Board of Cosmetology
Chapter 13—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.110 and 329.210, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 90-13.010 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 932). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

ORDER OF RULEMAKING

By the authority vested in the director, Division of Credit Unions under sections 370.070, 370.071, 370.100 and 370.310, RSMo 1994, the director adopts a rule as follows:

4 CSR 100-2.045 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 932-934). The sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Credit Unions received one comment letter from the insurer of shares (deposits) in Missouri credit unions during the specified comment period.

COMMENT: The insurer commented the definition of "member business loan" must more closely resemble the insurer's rule. Additionally, the insurer commented that the Director, Division of Credit Unions did not have the authority to waive aggregate amounts of outstanding member business loans nor aggregate limits on a credit union's outstanding member business loans since these requirements are part of the federal credit union law.

RESPONSE AND EXPLANATION OF CHANGE: The Division of Credit Unions has removed section (2)(C) and deleted "Unless waived by the Director" in both sections (4) and (6). With these changes, the proposed rule is similar to the insurer's rule.

4 CSR 100-2.045 Member Business Loans

(2) A member business loan includes any loan, line of credit, or letter of credit, the proceeds of which will be used for a commer-

cial, corporate, business investment property or venture, or agricultural purpose, except that the following types of loans shall not be considered member business loans for the purposes of this rule:

(A) A loan secured by a lien on a one to four (1-4)-family dwelling that is the member's primary residence;

(B) A loan fully secured by shares in the credit union making the extension of credit or deposits in other financial institutions;

(C) Loan(s) otherwise meeting the definition of a member business loan made to a member or associated member that, in the aggregate, is fifty thousand dollars (\$50,000) or less;

(D) A loan where a federal or state agency or one of its political subdivisions, or another credit union fully insures repayment, or fully guarantees repayment, or provides an advance commitment to purchase in full; or

(E) A loan granted by a credit union to another credit union or corporate credit union service organization or natural person credit union service organization.

(4) The aggregate amount of outstanding member business loans to any one member or group of associated members shall not be more than fifteen percent (15%) of the credit union's net worth less the Allowance for Loan Losses account, or one hundred thousand dollars (\$100,000), whichever is greater. These limitations only apply to borrowers with member business loans. If any portion of a member business loan is secured by shares in the credit union or deposits in another financial institution, or is fully or partially insured or guaranteed by, or subject to an advance commitment to purchase by, any agency of the federal government or of a state or any of its political subdivisions, such portion shall not be calculated in determining the fifteen percent (15%) limit.

(6) The aggregate limit on a credit union's outstanding member business loans, including any unfunded commitments, is the lesser of 1.75 times the credit union's net worth or 12.25% of the credit union's total assets. Loans that are exempt from the definition of member business loans are not counted for the purpose of the aggregate loan limit.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under sections 324.200, 324.203, 324.225 and 324.228, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 115-1.010 General Organization is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 934-936). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under sections 324.200, 324.203, 324.225 and 324.228, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 115-1.020 Name and Address Changes is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 937-939). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under sections 324.217, 324.228 and 620.010.15(6), RSMo Supp. 1999, the board adopts a rule as follows:

**4 CSR 115-1.030 Complaint Handling and Disposition
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 940-942). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under sections 324.212.4 and 324.228, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 115-1.040 Fees is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 943). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under sections 324.210.4, 324.212, 324.215 and 324.228, RSMo Supp. 1999, the board adopts a rule as follows:

**4 CSR 115-2.010 Application for Licensure/Grandfather
Clause/Reciprocity is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 943-946). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under sections 324.210 and 324.228, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 115-2.020 Qualifications for Licensure is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 947-948). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under sections 324.210.3 and 324.228, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 115-2.030 Examination for Licensure is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 949-950). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under sections 324.212 and 324.228, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 115-2.040 License Renewal is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 951-954). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under sections 324.212.3 and 324.228, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 115-2.050 Duplicate License is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 955-958). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 120—State Board of Embalmers and Funeral
Directors
Chapter 1—Organization and Description of Board**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111.1, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 120-1.030 Election and Removal of Officers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 959). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 120—State Board of Embalmers and Funeral
Directors
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.041 and 333.111.1, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 120-2.010 Embalmer's Registration and Apprenticeship is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 959-960). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 120—State Board of Embalmers and Funeral
Directors
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.041, 333.042 and 333.111.1, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 120-2.060 Funeral Directing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 960-961). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 235—State Committee of Psychologists
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under section 337.030.4, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 235-1.020 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 977). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Workers' Compensation
Chapter 2—Procedure**

ORDER OF RULEMAKING

By the authority vested in the Division of Workers' Compensation under section 287.650, RSMo Supp. 1999, the division rescinds a rule as follows:

**8 CSR 50-2.030 Resolution of Medical Fee Disputes
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2000 (25 MoReg 536). No changes have been made to the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Workers' Compensation
Chapter 2—Procedure**

ORDER OF RULEMAKING

By the authority vested in the Division of Workers' Compensation under section 287.650, RSMo Supp. 1999, the division adopts a rule as follows:

8 CSR 50-2.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2000 (25 MoReg 536-537). Certain sections of the rule have changes and are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division received four (4) written comments on this proposed rule. Gerald M. Sill on behalf of the Missouri Hospital Association and Thomas L. Holloway on behalf of the Missouri State Medical Association submitted comment letters on limited selected provisions of the rule. The Missouri Self-Insurers Association submitted comments on several specific provisions of the proposed rule, including a recommended draft of a proposed rule. The Missouri Merchants and Manufacturers Association submitted a written letter concurring with the comments submitted by the Missouri Self-Insurers Association. The summary of comments consolidates all written comments to the several specific provisions of the proposed rule.

The Division received a written comment from Attorney Mario Mandina on April 17, 2000, after the thirty days of publication of the notice in the *Missouri Register*. The issues raised in this comment are not addressed here.

COMMENTS—SPECIFIC RULE CHANGES:

COMMENT: The Division received a comment from the Missouri State Medical Association comparing the requirements of sections (1)(B)5 and (1)(D). The comment points out that in the "application for payment of additional reimbursement," the applicant has to provide all information to be accepted by the Division. However, section (1)(B)5 provides that the application form shall include all information that the Division deems necessary to resolve the dispute, without specifying what the additional information is.

RESPONSE: The Division disagrees and does not amend the rule. The Division acknowledges that the additional information that is deemed necessary to resolve the dispute, should be provided to the parties. However, this information will be incorporated in the "Application for Payment of Additional Reimbursement" form, rather than in a proposed rule. This gives the parties more flexibility in resolving medical fee disputes without the Division's assistance.

COMMENT: The comment from the Missouri State Medical Association to section (1)(H) seeks a definition of the word "immediately" when the application for an evidentiary hearing is forwarded to the parties.

RESPONSE AND EXPLANATION OF CHANGE: The Division agrees and amends the rule. Section (1)(H) is amended to delete the word "immediately." This will require parties to send notice of the request for an evidentiary hearing to all parties at the same time the request is submitted to the Division.

COMMENT: The comment to section (1)(J) from the Missouri State Medical Association seeks to substitute the word "shall" for the word "should" for the completion of the award after a hearing.

RESPONSE: The Division disagrees and does not amend the rule. The word "should" accomplishes the goal of having the award completed in a thirty (30) day time frame. The Division is concerned there may be circumstances which would necessitate more than thirty (30) days to prepare the award. By requiring the award within thirty (30) days, the award may be legally invalid if not completed in that time frame.

COMMENT: The Missouri State Medical Association's comment to section (1)(N) requests the Division to distinguish between the providers seeking reimbursement for fees relating to medical treatment for the underlying workers' compensation injury, and the provider seeking reimbursement for medical services unrelated to the underlying injury. The commenter states that after the case is settled or an award entered, the provider should not be prohibited from collecting fees for other medical treatment provided to the employee.

RESPONSE AND EXPLANATION OF CHANGE: The Division disagrees, however, it does amend the rule for clarification. The Division has an obligation to see that the employee receives the necessary medical care to "cure and relieve" the employee from the effects of the injury. The provider is in a better position to bifurcate fees and charges for medical services provided to an employee for personal health condition versus the work-related injury. Therefore, the provider may pursue methods to collect fees for services provided for nonwork-related injuries. The settlement or award precludes the provider from collecting additional fees for medical treatment based upon the particular work-related injury to the employee. The provider is able to pursue the responsible party for payment of fees for medical treatment that is found by award or settlement not to be work-related. Sections (1)(N) and (2)(H) are amended to clarify the prohibition against the health care provider from pursuing the employee for fees for work-related medical treatment.

COMMENT: The Missouri State Medical Association comments to sections (2)(B)5 parallel the comments to sections 1(B)5, explained above.

RESPONSE: The Division disagrees and does not amend the rule. Any additional information will be included in the Application for Direct Payment form, rather than the rule.

COMMENT: The Missouri Hospital Association's comment to section (1)(G) requests the Division to impose a reasonable time of twenty (20) to sixty (60) days for the health care provider and employer/insurer to negotiate a settlement, prior to a hearing on a medical fee dispute.

RESPONSE AND EXPLANATION OF CHANGE: The Division agrees and amends section (1)(H) to require the parties cannot file an application for evidentiary hearing until sixty (60) days have lapsed.

COMMENT: The Missouri Self-Insurers Association's comment to section (1)(B)4 states that the health care provider should

explain why the fee or charge is fair and reasonable, taking into account the usual and customary fees charged in the community. RESPONSE: The Division disagrees and does not amend the rule. The Division is notified of a medical fee dispute when the health care provider files an "Application for Payment of Additional Reimbursement." The parties are encouraged to settle their disputes. If the case proceeds to an evidentiary hearing, the sole issue to be decided is whether the fees or charges are fair and reasonable. At that time, evidence of a comparison of the usual and customary charge used by other providers may be introduced.

COMMENT: The Missouri Self-Insurers Association's comment to section (1)(H) seeks to increase the time frame for filing an answer to an application for an evidentiary hearing from twenty (20) to thirty (30) days. The Association states that this change would be consistent with the time frame used in filing an answer in a contested case.

RESPONSE AND EXPLANATION OF CHANGE: The Division agrees and amends the rule to allow thirty (30) days to file an answer.

COMMENT: The next comment from the Missouri Self-Insurers Association is to section (1)(J). The Association states that venue for the evidentiary hearing should be the county in which the accident occurred.

The Association also states that the rules of evidence should apply to the evidentiary proceedings.

RESPONSE AND EXPLANATION OF CHANGE: The Division disagrees and does not amend the rule for change in venue. The Division interprets the statute to allow the Division to determine the place and time where the evidentiary hearings would be held. Health care providers are sometimes located out of state and sometimes located outside the local or metropolitan area from the place of injury. Therefore, to serve the interests of all parties, the Division retains the right to determine venue.

The Division agrees and amends the rule such that the rules of evidence in civil proceedings shall apply in the evidentiary hearings.

EXPLANATION OF OTHER CHANGES—DIVISION:

The Division has added two new subsections (1)(O) and (2)(I), respectively, to clarify when the Division loses jurisdiction to accept and hear medical fee reasonableness and direct pay disputes.

8 CSR 50-2.030 Resolution of Medical Fee Disputes

(1) Procedures Pertaining to Applications for Payment of Additional Reimbursements.

(H) If the parties are unable to resolve their dispute after sixty (60) days have lapsed since the filing of the application for payment of additional reimbursement of medical fees, the health care provider may file a written application for an evidentiary hearing of the medical fee dispute. The health care provider shall forward a copy of the application for an evidentiary hearing to all parties. The employer or insurer shall file an answer to the application for an evidentiary hearing within thirty (30) days from the date of the application, unless good cause is found by the division to extend the filing of the answer. If the employer or insurer fails to file a timely answer the facts contained in the application are deemed admitted as true. An evidentiary hearing shall be scheduled in front of an administrative law judge or legal advisor. An application for an evidentiary hearing cannot be dismissed without prejudice after an evidentiary hearing has been scheduled, without approval of the administrative law judge or legal advisor.

(J) The hearing shall be held at a place and time to be set by the division. The division shall notify all parties as to the time and place of the hearing. The hearing shall be simple and informal and all parties shall be entitled to be heard and to introduce evidence, however, the rules of evidence in civil proceedings shall apply. The

administrative law judge or legal advisor shall conduct the hearing and shall issue an award deciding the issues in dispute. The award should be completed within thirty (30) days of submission of the case.

(N) Any settlement or award entered on the application for reimbursement of additional medical fees shall prohibit the health care provider from pursuing any additional fees for work-related medical treatment from the employee.

(O) If the health care provider filed an application for payment of additional reimbursement of medical fees prior to the underlying workers' compensation case is dismissed or settlement is approved by the administrative law judge or legal advisor, or an award entered by the administrative law judge, or within the applicable period of limitations, the division retains jurisdiction to hear the dispute. If the parties file an application for payment of additional reimbursement of medical fees after the underlying workers' compensation case is dismissed or settlement is approved by the administrative law judge or legal advisor, or an award is entered by the administrative law judge, or the applicable period of limitations has expired, the division does not have jurisdiction to accept the application. The division shall notify the parties regarding its lack of jurisdiction to hear the dispute.

(2) Procedures Pertaining to Applications for Direct Payments.

(H) The health care provider is barred from pursuing the employee for any work-related costs incurred in pursuing the medical fee dispute and any reduction in payment of a medical charge. This rule is not intended to prohibit the provider from pursuing the responsible party for payment of fees for medical treatment that is found by award or settlement not to be work-related.

(I) The division shall lose jurisdiction to hear medical fee disputes relating to direct payments after the underlying workers' compensation case is dismissed or settlement approved by the administrative law judge or legal advisor or an award is entered by the administrative law judge.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 50—Workers' Compensation Chapter 4—Rehabilitation

ORDER OF RULEMAKING

By the authority vested in the Division of Workers' Compensation under sections 287.141, RSMo 1994 and 287.650, RSMo Supp. 1999, the division rescinds a rule as follows:

8 CSR 50-4.010 Rules Governing Rehabilitation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2000 (25 MoReg 537-538). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 50—Workers' Compensation Chapter 4—Rehabilitation

ORDER OF RULEMAKING

By the authority vested in the Division of Workers' Compensation under sections 287.141, RSMo 1994 and 287.650, RSMo Supp. 1999, the division adopts a rule as follows:

8 CSR 50-4.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2000 (25 MoReg 538-539). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division received a written comment from the Missouri Self-Insurers Association to the proposed rule. The Missouri Merchants and Manufacturers Association submitted a written letter concurring with the comments submitted by the Missouri Self-Insurers Association.

COMMENTS—SPECIFIC PROVISIONS:

COMMENT: The comment seeks to modify the venue provisions contained in section (5)(B). The commenter states that venue should be in the county in which the accident occurs. The commenter notes that either the director of the Division or the administrative law judge should conduct the hearings and therefore, the phrase “a Director’s designee” should be deleted.

RESPONSE: The Division disagrees and does not change the rule. The Division interprets the phrase “a Director’s designee” to include an administrative law judge in conformity with the statutory provision. The Division does not amend the rule for change in venue. The process regarding determination of rehabilitation benefits is not covered by section 287.640, RSMo.

EXPLANATION OF OTHER CHANGES—DIVISION: The Division of Workers’ Compensation has noted some provisions that require an amendment based on its review of the proposed rule.

The provision in section (1) is amended to briefly explain the requirements of Section 287.141, RSMo.

The words and phrases used in these rules, outlined in sections (2)(C) and (E) are amended to clarify the meaning of the words “employee” and “facility or rehabilitation facility.”

The provision in section (3)(A) is amended to delete the word “review” and replace it by the word “renewal.”

The provision in section (3)(C) is amended to delete the proposed review process. The review process applicable to both the denial and revocation of certification or the renewal of certification of a facility is defined in a new section (3)(F).

The provisions in section (5) is amended to delete reference to section 287.141.2, as the process for reviewing disputes arising under said section is explained in (3)(F).

8 CSR 50-4.010 Rules Governing Rehabilitation

(1) Section 287.141, RSMo provides for physical rehabilitation of a seriously injured person, for the division to administer the benefits to the injured worker as provided, and for the division to investigate and certify rehabilitation facilities.

(2) Words and phrases used in these rules are declared to mean:

(C) Employee—seriously injured worker who is offered and accepts physical rehabilitation or who is ordered by the division to be qualified to receive physical rehabilitation;

(E) Facility or rehabilitation facility—an institution or facility that provides medical, surgical, hospital or physical restoration services;

(3) Certification of Rehabilitation Facilities.

(A) The division shall employ such necessary technical and clerical personnel as may be required for the effective administration of the functions and duties provided in section 287.141, RSMo. The division may investigate a rehabilitation facility for the purpose of certification or renewal of certification. A report of the investigation shall be made available to the facility requesting cer-

tification. Each report shall include findings specifically as to the standards required by section 287.141.2, RSMo. The report shall be preserved as part of the division’s record of certification. The information obtained by the division in the certification process shall be confidential.

(C) Upon investigation, the division will grant or deny certification of the facility.

(F) The division will notify the facility of the grounds for denial or revocation of the certification or renewal of certification, in writing. The facility may within thirty (30) days of the date of written denial or revocation, request a hearing before the director. The director or the director’s designee shall review the matter, including the discretion to take evidence, if necessary, in the review. Any review by the director or the director’s designee that involves the taking of evidence shall be conducted as a hearing according to the provisions of 8 CSR 50-2.010. Any order of the director or the director’s designee shall be subject to review according to the provisions of sections 287.470 and 287.480, RSMo.

(5) Any dispute arising under section 287.141.5, RSMo, or a denial of payment of the Second Injury Fund benefit under section 287.141.3, RSMo, shall be governed by the provisions of this section.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 10-5.451 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 649). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Although no written comments were received concerning this proposed amendment during the public comment period, staff noted minor language updates that should be incorporated.

COMMENT: Staff recommended that subsection (5)(A) be revised to refer to the most current American Society for Testing and Materials (ASTM) test methods because these methods are continually being updated. In addition, the reference to Association of Standard Testing and Materials should be revised to American Society for Testing and Materials, the recognized name of the organization.

RESPONSE AND EXPLANATION OF CHANGE: As a result, the rule language has been updated as recommended.

10 CSR 10-5.451 Control of Emissions from Aluminum Foil Rolling

(5) Determination of Compliance.

(A) All incoming shipments of oil shall be sampled and a distillation range test shall be performed using American Society for Testing and Materials (ASTM) methods D86-99, Standard Method for Distillation of Petroleum Products or other methods approved by the director. The results of such tests shall be used

for compliance with subparagraph (3)(A)1.B. of this rule and subparagraph (3)(A)2.B. of this rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission adopts a rule as follows:

10 CSR 10-6.350 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2000 (25 MoReg 649-663). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources (MDNR) received comments from Ameren Corporation, U.S. Environmental Protection Agency (EPA), Kansas City Power and Light (KCPL), Missouri Public Services Company (MoPub), the City of Sikeston, City Utilities of Springfield, the Sierra Club, Associated Electric Cooperatives (AECI), and the Empire District Energy Company. The MDNR received general support from the majority of the commenters, with the remaining commenters expressing opposition. The majority of the comments were technical in nature. MoPub expressed legal challenges to the proposed rule.

COMMENT: The Ameren Corporation commented in support of the proposed rule and the effort to reduce the effect of Missouri's emissions on downwind nonattainment areas. They also recommended that the commission adopt this rule, in addition to opposing any additional federal requirements that might supercede this rule. Ameren also supplied technical comments after the close of the public comment period; MDNR has not responded to those at this time.

RESPONSE: This comment establishes support for this rulemaking action but makes no specific recommended changes to the proposed rule. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: The Boeing Corporation and the Air Quality Committee of the St. Louis Regional Chamber and Growth Association and the Missouri Sierra Club Chapter commented in support of the rule.

RESPONSE: These comments establish support for this rulemaking action but make no specific recommended changes to the proposed rule. Therefore, no wording changes have been made to the proposed rulemaking as a result of these comments.

COMMENT: The EPA commented that they were concerned with the amount of resources that the proposed rule would require and that the MDNR should submit a detailed demonstration showing it has adequate funding and personnel to carry out the program.

RESPONSE: The MDNR is currently drafting the requested demonstration and it will be submitted as requested. No changes were made as a result of this comment.

COMMENT: The EPA commented that the St. Louis attainment demonstration assumes that future oxides of nitrogen (NO_x) emissions from the utility sector will not exceed the intended level.

The EPA commented that the MDNR should include an emissions cap in the proposed rule to ensure that NO_x emissions in future years do not exceed the levels in the attainment demonstration.

RESPONSE: The St. Louis attainment demonstration illustrates an approximate NO_x emission level that will likely show attainment of the ozone standard. The MDNR does not support using urban airshed modeling for the purposes of establishing a quantitative emission limitation. The MDNR believes that the model shows air quality trends that give direction toward specific control regimes. The MDNR does not believe that the model is suited for use in determining exact emission caps. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The EPA commented that the proposed rule is not approvable due to ambiguity of the opt-in provisions. The EPA stated that the rule could be interpreted to allow units to opt-in and trade between their baseline and the regulated rate. The EPA stated that this ambiguity would have to be corrected in order for the rule to become approvable.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and the opt-in provisions have been revised to ensure that NO_x emissions cannot increase due to a source opting-in to the emissions trading program. Equation 7 has been added to ensure that the method for calculation of allowances for opt-in units is clear. Language has been added to paragraph (3)(B)10. and subsection (5)(G).

COMMENT: The EPA commented that they intended to propose a new regulation covering NO_x emissions consistent with the NO_x State Implementation Plan (SIP) call and the U.S. Court of Appeals ruling on the NO_x SIP call. The EPA commented that the MDNR would have to evaluate the new regulation impacts on this proposed rulemaking.

RESPONSE: The MDNR will evaluate the EPA's proposed regulation when it is proposed. The MDNR believes that the NO_x SIP call if promulgated in the eastern third of Missouri will allow the MDNR to comply with a regulation similar to this proposed rule. The NO_x SIP call was intended to contain significant flexibility for the states. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The EPA commented that the qualification for the 25-ton exemption using the federally enforceable operating permit will add an administrative burden of having to reopen every operating permit. They recommend using a registration or general permit process.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and has removed the operating permit requirement from the proposed rule. The MDNR has added language that requires a unit's mass emissions to be quantified using 40 CFR part 75.19 if it wants to meet this exemption.

COMMENT: The EPA recommended moving the requirement for a nonresettable hour meter from paragraph (1)(B)2. to the monitoring section of the rule.

RESPONSE: The MDNR believes that this requirement should remain in the exemption portion of this rule. The requirement is only required of units requesting to be exempted from this rule using paragraph (1)(B)2. of the proposed rule. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The EPA recommends including a restriction for the maximum number of hours of operation in a single ozone season. This restriction would prevent units from operating at three times the allowable hours in one control period then shutting down for two control periods.

RESPONSE: The present rule language does not allow for averaging a non-operational control period. No changes were made to the rule as a result of this comment.

COMMENT: The EPA recommends adding a definition of peak-ing combustion unit.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and the definition has been added to the rule in subsection (2)(EE).

COMMENT: The EPA recommends increasing the compliance aspects of the exemptions by requiring use of the monitoring provisions under 40 CFR part 75.19.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and language has been added to the rule requiring the use of monitoring under 40 CFR part 75.19.

COMMENT: The EPA recommends that the rule should explain that compliance with this rule does not relieve the responsibility of affected units to meet the requirements of any other applicable regulation including Title IV of the Clean Air Act (CAA).

RESPONSE: The MDNR does not believe that the proposed rule conflicts with other federal regulations including Title IV. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The EPA suggested clarifying the definition for NO_x Emission Limitation.

RESPONSE: The MDNR feels the definition is very clear. Therefore, no wording changes have been made as a result of this comment.

COMMENT: The EPA recommends including a definition of NO_x emission rate in units of pounds per million British thermal units (lb/mmBtu) or specifying the units after each usage.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and the definition has been added to the rule in subsection (2)(Y).

COMMENT: The EPA recommends limiting the emission credits in the rule to ensure that the use of early reduction credits (ERCs) and banked allowances in 2004 and beyond will not exceed the assumptions made in the St. Louis Attainment Demonstration.

RESPONSE: The MDNR does not believe that there is a need to include the recommended limit. Even in the strict emissions cap and trade program, which the EPA promulgated under the NO_x SIP call ERCs are allowed. ERCs are a cost effective, less intrusive means of phasing in NO_x emission limitations. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The EPA recommends adding language to paragraph (3)(B)3. to require that sources submit any significant changes relating to NO_x emissions prior to May 1 of each year. These changes would include, but are not limited to, fuel changes and addition of control equipment.

RESPONSE: The MDNR does not believe that the benefit from the added language would warrant the added compliance burden on the affected facilities. The proposed rule already has significant reporting requirements. In addition, the referenced paragraph only establishes a projected emission budget. This budget is not enforceable in any way. The MDNR is using this paragraph to issue estimated budgets for planning purposes. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The EPA recommends that the average emission rate as referred to in paragraph (3)(B)3. should be clarified as either a simple average or a heat-rate-weighted average and an equation should be included to reduce confusion on how to calculate this average.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and a definition has been added to the rule in subsection (2)(E).

COMMENT: The EPA recommends correcting the description of part (3)(B)4.C.(II) because first-in, first-out is not an accurate description of the outlined process.

RESPONSE: The MDNR does not agree with this comment. The description of the process outlined in the referenced part is appropriately described if viewed at the process after the allocations for the current compliance period. The name is in reference to the removal of banked emissions. The name is consistent with that used in the EPA's NO_x SIP call banking program as is the process for removal of emissions from accounts. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The EPA recommends that subparagraph (3)(B)5.B. should be clarified to explain that the number of banked allowances to be used in the flow control calculation is the sum of all NO_x allowances remaining in compliance and overdraft accounts, excluding ERCs, following the completion of the true-up period.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and has revised the proposed rule to include clarifications.

COMMENT: The EPA suggests that the rule should clarify that the final actual NO_x emissions from the prior year's control period will be used to determine the beginning flow control level.

RESPONSE: The MDNR believes that equation 4 clearly shows that the actual NO_x allocations from the previous year will be used in the determination of flow control levels. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The EPA recommended a series of equations that clearly show how and at what exchange rate banked allowances will be awarded to eliminate confusion.

RESPONSE: Equations 4 and 5 are included in the proposed rule to express the adjustment factor and how it is applied to determine the level of banked emissions that can be withdrawn without penalty. The MDNR does not believe additional equations would be beneficial to the rule. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The EPA recommends adding language to the rule that would impose substantial flow controls of at least 1.5 to 1 or greater to prohibit the flow of banked allowances from utilities in the 0.35 lb NO_x/mmBtu control region to the 0.25 lb NO_x/mmBtu control region.

RESPONSE: The MDNR feels that this ratio is already expressed clearly in the rule in part (3)(B)5.B.(IV). Therefore, no language changes have been made to the rule as a result of this comment.

COMMENT: The EPA suggests that the rule should clarify whether reductions which took place prior to calendar year 2000 are eligible for ERCs and clearly specify the baseline period from which any credit is determined.

RESPONSE: The proposed rule states that ERCs will be issued to units whose emissions are below the regulated rate during the years 2000, 2001, and 2002 and from whom the MDNR receives a request. The calculation by which ERCs are to be issued is the difference between the actual emission rate, which must be below the regulated rate, and the regulated emission rate in the aforementioned control periods. Since the proposed rule is based on an emission rate, there is no need to establish a base year as there would be in a cap and trade program. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The EPA recommends that the rule should clearly state that the ERCs will be retired in 2004.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with the intent of this comment and language has been added to the rule in part (3)(B)5.C.(IX) specifying that all ERCs will be retired on January 31, 2005. Since ERCs can be used to comply in 2004, they cannot be retired until the end of this compliance period which is December 31, 2004.

COMMENT: The EPA recommends the language in subparagraph (4)(A)1.F. that refers to 40 CFR part 75 and Nonpart 75 systems be replaced with a simple reference to section (5).

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and language has been added to the rule.

COMMENT: The EPA suggests that all units, exempt from the control requirements or not, have some type of monitoring obligation.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and language has been added to the rule.

COMMENT: The EPA recommends that the MDNR define the details of the test results report that is required to be submitted in subparagraphs (4)(A)2.B. and C.

RESPONSE: The proposed rule as published does not contain a subparagraph (4)(A)2.C. The MDNR believes that this comment is in reference to a draft version of the proposed rulemaking. The EPA made a similar suggestion during a workgroup meeting and the MDNR made that change at that time. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The EPA recommends that section (5) be renamed to Test Methods and Monitoring for clarity.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and the section has been renamed accordingly.

COMMENT: The EPA recommends that 40 CFR part 75 monitoring is adequate for all aspects of this rule, including units that are fully subject to the trading program, those that will comply with the NO_x limitations, opt-in units, and those units that are exempt. However, the EPA recommends that the rule clearly explain which monitoring requirements apply to each type of affected unit.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and has amended section (5) of the proposed rule to include the EPA's suggested language.

COMMENT: The EPA recommends that since all the monitoring will be performed according to 40 CFR Part 75, all reference to Part 60 should be removed from section (5) of this rule.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and language has been revised accordingly.

COMMENT: The EPA recommends adding language to the rule that would include consequences for failure to hold sufficient allowances at the end of the true-up period.

RESPONSE: The MDNR does not agree with this comment. The MDNR already has an administrative penalties regulation (10 CSR 10-6.230) that provides the necessary authority to pursue enforcement action against violators. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: MoPub commented that subsection (2)(C) should be revised to provide a definition of NO_x trading program accounts.

RESPONSE: The MDNR feels subsections (2)(C), (2)(J) and (2)(DD) adequately define the NO_x trading program accounts. Therefore, no wording changes have been made as a result of this comment.

COMMENT: MoPub commented that the definition for nameplate capacity in subsection (2)(S) is inconsistent with the definition for combustion turbines that are not in the National Allowance Database (NADB). MoPub recommended that the MDNR modify the definition and use the manufacturer's nameplate capacity for units not in the NADB as combustion turbines.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and has changed the definition as suggested.

COMMENT: MoPub commented that subparagraph (3)(B)4.D. should be revised to allow units sharing a common stack with continuous emissions monitoring system (CEMS) equipment located in the common stack to satisfy the total emission rate from these units and allow the NO_x authorized account representative to apportion the total NO_x contribution from the affected units. MoPub commented that this method is consistent with sulfur dioxide monitoring requirements for the Acid Rain Program. MoPub also commented that equation 3 of this subparagraph should be revised to read: $\sum HI_a \times ER_a = NO_x AL_a$.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with these comments. The MDNR has changed equation 3 to reflect the suggested language. The MDNR believes that subparagraph (3)(B)4.D. allows this approach to apportioning emissions from these units.

COMMENT: MoPub commented that the reports required under sections (4)(A)1. and (4)(A)2. should be combined into one report, as the information will be available and will decrease overall number of required submittals.

RESPONSE: The MDNR does not agree with this comment. The MDNR does not believe that these two reports will be submitted on the same cycle. Therefore, keeping them separate will allow greater flexibility. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: MoPub commented that simple cycle combustion turbines, which are not affected by the Acid Rain Program or New Source Performance Standards currently, are not required to meet the monitoring standards as described in Appendix E of 40 CFR part 75 as required by this proposed rule. MoPub stated that Appendix E of 40 CFR part 75 forces such units to over estimate the NO_x emission by 15%. MoPub also commented that the MDNR has overstated the required control of these units and is penalizing these units for not having CEMS, which is not practical as they are peaking units. MoPub recommended that the MDNR remove the requirement to meet 40 CFR part 75.19 from subsection (5)(F) of the proposed rule and only utilize the NO_x emission rate from stack tests at 100% load for compliance determinations.

RESPONSE: The MDNR must use a conservative method for estimating mass emissions for units in the emissions trading program. The method referenced in subsection (5)(F) of the proposed rule was an approved methodology developed by the EPA. The MDNR included this reference in the proposed rule in response to comments received from the EPA during the workgroup meetings. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: MoPub commented that the fiscal impact of this regulation is severely underestimated in the proposed rule. MoPub commented that they estimated the costs, including compliance, operation and maintenance, and revenue considerations, to be \$8,600,000 annually for a 15-year period, which is almost \$4,500,000 more than the MDNR estimated on an annual basis. MoPub currently estimates the total compliance cost for the proposed rule to be \$86,000,000 over a 10-year period. MoPub stated that these expenditures are being required, and will impact

Missouri ratepayers, for a rule where the potential impact on the St. Louis ozone nonattainment area has not been demonstrated to be significant.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR has amended the private entity fiscal note to reflect the suggested cost. The MDNR also notes that the life of the rule identified in the fiscal notes should be 11 years rather than 10 years.

COMMENT: MoPub commented that in table 2 of the private entity fiscal note, there were units listed with 25 MW generating capacity. MoPub stated that this was misleading since this rule did not apply to these units.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and the private entity fiscal note has been revised accordingly.

COMMENT: MoPub commented that the MDNR listed the Greenwood Energy Center units as expected to comply with the 25-ton control period limit. MoPub commented that the inclusion of these units appears to be an error. MoPub stated that based on current operations, these units may not meet the 25-ton control period exemption.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and the private entity fiscal note has been revised accordingly.

COMMENT: MoPub commented that the boiler capacities for UtiliCorp United's KCI Energy Center were incorrect. MoPub commented that the correct boiler capacity is below the 25 MW threshold for the rule and that these units should be removed from the private entity fiscal note.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and the private entity fiscal note has been revised accordingly.

COMMENT: KCPL objects to the rule as proposed since it contains provisions that reduce the emissions of NO_x within the state of Missouri to levels more restrictive than those contained in the Attainment Demonstration for the St. Louis ozone nonattainment area.

RESPONSE: The MDNR does not agree that the proposed rule is more restrictive than the attainment demonstration for the St. Louis ozone nonattainment area. As the rule is proposed, a unit in the western 2/3 of the state would have to comply with the more stringent limitation of its permitted limit or 0.35 lb/mmBtu. A new unit in the eastern 1/3 of the state would have to comply with the more stringent limitation of its permitted limit or 0.25 lb/mmBtu.

For example, a new unit permitted at 0.10 lb/mmBtu in the western 2/3 of the state could only participate in the NO_x emissions trading program at 0.10 lb/mmBtu. KCP&L would like a new unit permitted prior to May 1, 2003, to be able to participate with a NO_x emissions limitation of 0.35 lb/mmBtu. The new unit would still have to meet its permitted limitation of 0.10 lb/mmBtu but would be able to generate allowances for the difference in mass emissions between 0.10 and 0.35 lb/mmBtu. Hence, additional generating capacity could be added which could significantly increase NO_x emissions if the new units are allowed to participate in the trading program at 0.25 or 0.35 lb/mmBtu rather than their permitted NO_x limitation.

Requiring that new units participating in the NO_x emissions trading program be required to participate at their permitted NO_x emissions limitation will ensure that NO_x emission levels do not exceed those necessary to attain and maintain the ozone standard in the St. Louis area. Allowing these new units to participate in the NO_x emissions trading program at levels above their permitted NO_x emissions limitation will reduce the effectiveness of the program. Additional NO_x allowances will be brought into the pro-

gram, which will allow increases in the overall NO_x emission in Missouri. This could reduce the benefit of the program for the St. Louis area, which needs reductions in transported air pollutants to attain the ozone standard. No change has been made as a result of this comment.

COMMENT: KCPL recommends that the Missouri Air Conservation Commission delay approval of this proposed regulation until the MDNR addresses the NO_x SIP call issue. They feel that the statewide NO_x regulation should be based on the seasonal cap for NO_x emissions contained in the EPA SIP call for the eastern 1/3 of Missouri and 15% reduction from EPA Title IV NO_x rate based emission limits for the western 2/3 of the state of Missouri.

RESPONSE: The MDNR does not agree with this comment. The EPA has not yet proposed a rule for control of NO_x emissions from Missouri. Delaying action on the proposed rule will only delay emission reductions that are required to address elevated ozone levels in the St. Louis ozone nonattainment areas. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: AECE encourages the MDNR to retain the rate-based trading program as proposed and not add a cap as EPA suggested.

RESPONSE: This comment establishes support for this rulemaking. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: AECE suggested adding language to paragraphs (3)(A)1. and (3)(A)2. that would allow units that began operating before May 1, 2003, to accumulate allowances based on the emission limitations of 0.25 or 0.35 lb/mmBtu instead of their applicable NO_x limitation under 10 CSR 10-6.060.

RESPONSE: The MDNR does not agree with this comment. The MDNR does not believe that it is appropriate to allocate allowances between the regulated rate and a unit's new source performance standard rate. Including the proposed language would relax the requirements of this rule to emissions levels above that in the St. Louis attainment demonstration. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: AECE stated that part (3)(B)2.B.(I) establishes individual unit compliance accounts and an overdraft account for NO_x authorized account representatives representing multiple units. They commented that they found no provision in the rule for transferring, recording or allocating NO_x allowances to the overdraft account.

RESPONSE: Paragraph (3)(B)7. of the proposed rule outlines the procedure for requesting transfer of NO_x allocations. The MDNR will not allocate NO_x allowances to an overdraft account, as it is not tied directly to the mass emissions from a unit. Recordation of allowances is outlined in paragraph (3)(B)8. of the proposed rule. In both the recordation and transfer procedures the MDNR has not specifically stated the type of an account but has tied the requirements of the respective paragraph to the account number. This allows these two paragraphs to address either compliance or overdraft accounts. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: AECE feels like the process described in part (3)(B)4.C.(II) is not accurately named first in, first out. It is last-in, first-out accounting. AECE would prefer a first-in, first-out system because the allowances would be easier to track. Regardless of what system is chosen, AECE feels that the title of the part should accurately describe the process.

RESPONSE: While the MDNR does agree that the name of this part is somewhat confusing, it is consistent with the name assigned to the corresponding part of the EPA's banking and trading program. It is important to understand that the name of this part

refers only to the removal of banked emissions from previous years. If you ignore the present control period, which must be used for compliance first, the name is consistent with the procedure outlined. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: AECE is concerned with future rulemakings by the EPA and their NO_x SIP call. AECE operates facilities in both areas of the state and an emissions limit of 0.15 lb/mmBtu in the eastern 1/3 of the state would impose a financial burden on them. They suggest adding language to the rule that would address this concern and make this rule effective regardless of future EPA rulemakings.

RESPONSE: The MDNR does agree that the proposed rule could be significantly impacted by a future NO_x SIP call proposal by the EPA. The MDNR will evaluate the EPA's proposal upon its publication and determine whether this rule, if adopted, must be reopened at that time. However, the MDNR believes that if the EPA allows the same degree of flexibility in the new SIP call as was available in the original SIP call, that there is a significant possibility that the proposed rule will be sufficient to demonstrate compliance with EPA's proposal. The MDNR cannot add language to this rule that would ensure that the EPA will not pursue rulemakings that will override the requirements of this proposed rule. However, the MDNR does agree with AECE that there should not be overlapping restrictions between this proposed rule and the EPA's SIP call. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: Sikeston Board of Municipal Utilities commented that they believe that the Sikeston Power Station should not be included among those units subject to a NO_x standard of 0.25 lb/mmBtu and should instead be included among those units subject to a NO_x standard of 0.35 lb/mmBtu.

RESPONSE: The MDNR does not agree with this comment. The St. Louis attainment demonstration does demonstrate that emission reductions from south of St. Louis as far as Kentucky do impact the ozone levels in the St. Louis attainment demonstration. The attainment demonstration illustrated attainment of the one-hour ozone national ambient air quality standard with an emission level of 0.25 lb NO_x/mmBtu heat input in the eastern 1/3 of Missouri. This attainment demonstration also required emission reductions in areas such as Kentucky and Illinois. Based on this information, the MDNR does believe that the control region boundary is appropriately placed. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: The Empire District Electric Company (Empire) commented that units in the western 2/3 of Missouri do not contribute significantly to nonattainment in St. Louis area.

RESPONSE: While the MDNR does agree that there may be modeling episodes that do not demonstrate a significant impact from western Missouri on St. Louis's ozone problems, there are episodes that do show impacts from western Missouri not only on ozone levels in St. Louis but also on the Chicago-Milwaukee area. Based on the modeling performed for the St. Louis attainment demonstration and modeling done for the NO_x SIP call and Chicago-Milwaukee attainment demonstration, the MDNR believes that western Missouri does have an impact on ozone levels in St. Louis and Chicago. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: Empire commented that the recommended emission compliance level for the western 2/3 of Missouri appears to have an arbitrary and gratuitous basis.

RESPONSE: The MDNR does not agree with this comment. The MDNR has been party to several significant modeling efforts over the past five years. These modeling efforts have demonstrated that

NO_x emission reductions within 500 miles of a downwind area can be demonstrated to have a significant impact on the ozone level in the downwind area. The latest of those modeling efforts, the St. Louis attainment demonstration, illustrated that there was an impact during certain episode days of reducing background NO_x emissions. The means by which background NO_x emissions was reduced was 0.35 lb/mmBtu average emission rate in the western 2/3 of Missouri and a 0.25 lb/mmBtu average emission rate in the eastern 1/3 of Missouri. The MDNR in no way sees these emission levels as arbitrary or gratuitous. These levels are a significant relaxation from those proposed by the EPA and are consistent with the original proposal supported by the Missouri utilities. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: Empire commented that the compliance date of May 1, 2003, for the western 2/3 of Missouri is premature.

RESPONSE: The MDNR does not agree that the May 1, 2003, compliance date is premature. In contrast, the May 1 date is consistent with the NO_x SIP call and the attainment date extension request for the St. Louis ozone nonattainment area for which this rule was developed. The MDNR does not believe that this date can be delayed. The MDNR has incorporated ERCs into the proposed rule. This will allow additional relief in the first two years of the emissions trading program by providing additional allowances for trading and compliance. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: Empire commented that compliance with the proposed regulation would require the installation of Selective Catalytic Reduction. Empire has estimated the capital and O&M cost of compliance with the proposed regulation is \$4,007,878 per year, annualized on a 10-year basis.

RESPONSE: The MDNR had received similar cost data from Empire before filing the proposed rule and had included the supplied data in the private entity fiscal note at that time. Therefore, the MDNR has not amended the proposed rule in response to this comment.

COMMENT: Empire suggested that paragraph (3)(A)2. should reflect the inclusion of a percent reduction from the CAA emissions levels or 1990 emission levels as a ratchet mechanism for year one and year two of the compliance plan. Then year three would have the 0.35 lb/mmBtu emission rate. Empire suggests that the 2004 emission rate be the less stringent of 0.35 lb/mmBtu or a 10% reduction from the CAA emissions levels. The year 2005 emission rate should be the less stringent of 0.35 lb/mmBtu or a 20% reduction from the CAA emissions levels.

RESPONSE: The MDNR is tasked with meeting the requirements of the St. Louis attainment demonstration. The attainment demonstration requires an emission rate of 0.35 lb NO_x/mmBtu heat input. The MDNR has evaluated phasing in control for the western 2/3 of Missouri. The emission reductions from the phased in approaches are not consistent with the attainment demonstration. The MDNR believes that a significant deviation from the attainment demonstration NO_x emission levels would render the attainment demonstration unapprovable and in turn cause the EPA to reclassify the St. Louis ozone nonattainment area. In addition, the MDNR has included the ERCs portion of this rule in an effort to reduce the regulatory burden on units in the western 2/3 of Missouri. According to the MDNR's estimates, there should be a significant amount of emission credits available on the open market for the control periods 2003 and 2004. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: City Utilities of Springfield commented on the discrepancy in the definition of a NO_x allowance and the referral to the term in the rule. It is defined as an authorization to emit up to

one ton of NO_x. However, in the rule, an allowance is an authorization to emit exactly one ton of NO_x.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with the comment and language changes have been made to the rule as a result of this comment.

COMMENT: City Utilities of Springfield commented on the usage of the abbreviation NO_xAL_a in three different equations in different ways. They suggest retaining the abbreviation in Equation 2 and changing it in Equation 3.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and has amended the equations to eliminate any confusion.

COMMENT: City Utilities of Springfield commented on paragraph (3)(B)6., they feel that the holders of the allowances should have the opportunity to appeal any corrections made to the accounts by the director if they feel that the change was made in error.

RESPONSE AND EXPLANATION OF CHANGE: The MDNR agrees with this comment and language changes have been made to the rule as a result of this comment.

COMMENT: City Utilities of Springfield recommended that the record keeping requirements be changed so the monitoring emission records only be kept for a period of three years instead of five.

RESPONSE: No language changes have been made to the rule as a result of this comment because the five year time period is consistent with operating permit cycles.

COMMENT: An attorney for Blackwell Sanders Peper Martin, L.L.P., representing MoPub Service Company, commented that the rule as proposed is unauthorized by law, to the extent that it applies to the western 2/3 of Missouri, on the grounds that it violates the *United States* and *Missouri Constitutions*, sections 643.055.1 and 536.021, RSMo, and on the grounds that it is arbitrary, capricious and unreasonable. MoPub did not propose any changes to the rule that would overcome the alleged deficiencies but suggested that in lieu of the NO_x emissions reductions required by the proposed rule for utilities in the western portion of the state, the Department accept voluntary reductions. MoPub commented that such voluntary reductions could not be lawfully imposed.

RESPONSE: The MDNR, after consultation with the Attorney General's Office, disagrees with MoPub's interpretation of these legal authorities and has made no changes to the rule based upon these comments. A detailed response to MoPub's legal arguments is neither required nor appropriate but will be reserved for litigation, if it arises.

COMMENT: Staff noted typographical errors in the proposed rule text.

RESPONSE AND EXPLANATION OF CHANGE: As a result, typographical corrections were made as noted.

10 CSR 10-6.350 Emissions Limitations and Emissions Trading of Oxides of Nitrogen

(1) Applicability.

(B) Exemptions.

1. Any unit under subsection (1)(A) of this rule which demonstrates, using 40 CFR part 75.19, that the unit's mass NO_x emissions are twenty-five (25) tons or less during the control period is exempt from the requirements of this rule.

2. The provisions of section (3) of this rule shall not apply to any emergency standby generators, internal combustion engines and peaking combustion turbine units demonstrated to operate less than four hundred (400) hours per control period averaged over the three (3) most recent years of operation, which have installed and maintained in proper operation a nonresettable engine hour meter.

(2) Definitions.

(E) Average emission rate—The simple average of the hourly NO_x emission rate as recorded by monitoring systems approved in section (5) of this rule.

(F) Boiler—An enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

(G) Combined cycle system—A system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

(H) Combustion turbine—An enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

(I) Common stack—A single flue through which emissions from two or more NO_x units are exhausted.

(J) Compliance account—A NO_x allowance tracking system account, established for an affected unit, in which the NO_x allowance allocations for the unit are initially recorded and in which are held NO_x allowances available for use by the unit for a control period for the purpose of meeting the unit's NO_x emission limitation.

(K) Continuous emissions monitoring system (CEMS)—The equipment required by this rule to sample, analyze, measure, and provide, by readings taken at least once every fifteen (15) minutes of the measured parameters, a permanent record of NO_x emissions, expressed in tons per hour for NO_x.

(L) Control period—The period beginning May 1 of a calendar year and ending on September 30 of the same calendar year.

(M) Early reduction credit (ERC)—NO_x emission reductions in the years 2000, 2001, and 2002 that are below those required for the control period starting in 2003. Early reduction credits will only be available for use during the years of 2003 and 2004.

(N) Electric generating unit (EGU)—Any fossil fuel-fired boiler or turbine that serves an electrical generator with the potential to use more than fifty percent (50%) of the usable energy from the boiler or turbine to generate electricity.

(O) Emergency standby generator—A generator operated only during times of loss of primary power at the facility that is beyond the control of the owner or operator of the facility or during routine maintenance.

(P) Fossil fuel—Natural gas, petroleum, coal, or any form of solid, liquid or gaseous fuel derived from such material.

(Q) Fossil fuel-fired—With regard to a unit, the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel is projected to comprise more than fifty percent (50%) of the annual heat input.

(R) Generator—A device that produces electricity.

(S) Heat input—The product (expressed as million British thermal units per hour) of the gross calorific value of the fuel (expressed as British thermal units per pound) and the fuel feed rate into a combustion device (expressed as pounds per hour), as measured, recorded and reported to the department by the NO_x authorized account representative and as determined by the director in accordance with this rule and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

(T) Nameplate capacity—The maximum electrical generating output (expressed as megawatt) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings, as listed in the National Allowance Data Base (NADB) under the data field "NAMECAP" if the generator is listed in the NADB or as measured in accordance with the United States Department of Energy standards. For generators not listed in the NADB, the nameplate capacity shall be used.

(U) NO_x allowance—An authorization by the department under the NO_x trading program to emit one (1) ton of NO_x during the control period of the specified year or of any year thereafter.

(V) NO_x allowance tracking system—The system by which the director records allocations, deductions and transfers of NO_x allowances under the NO_x trading program.

(W) NO_x allowance transfer deadline—Close of business on December 31 following the control period or, if December 31 is not a business day, close of business on the first business day thereafter and is the deadline by which NO_x allowances may be submitted for recording in an affected unit's compliance account, or the overdraft account of the installation where the unit is located.

(X) NO_x authorized account representative—The person who is authorized by the owners or operators of the unit to represent and legally bind each owner and operator in matters pertaining to the NO_x trading program.

(Y) NO_x emissions limitation—For an affected unit, the tonnage equivalent of the NO_x emissions rate available for compliance deduction for the unit and for a control period adjusted by any deductions of such NO_x allowances to account for actual utilization for the control period or to an account for excess emissions for a prior control period or to account for withdrawal from the NO_x trading program or for a change in regulatory status for an affected unit.

(Z) NO_x emission rate—The amount of NO_x emitted by a combustion unit in pounds per million British thermal units of heat input as recorded by monitoring devices approved in section (5) of this rule.

(AA) NO_x opt-in unit—An EGU whose owner or operator has requested to become an affected unit under the NO_x trading program and has been approved by the department.

(BB) NO_x unit—Any fossil fuel-fired stationary boiler, combustion turbine, internal combustion engine or combined cycle system.

(CC) Opt-in—To voluntarily become an affected unit under the NO_x trading program.

(DD) Overdraft account—The NO_x allowance tracking system account established by the director for each NO_x authorized account representative with two or more affected units.

(EE) Peaking combustion unit—A combustion turbine normally reserved for operation during the hours of highest daily, weekly, or seasonal loads.

(FF) Serial number—When referring to NO_x allowances, the unique identification number assigned to each NO_x allowance.

(GG) Unit load—The total output of a unit in any control period produced by combusting a given heat input of fuel expressed in terms of the total electrical generation (expressed as megawatt) produced by the unit including generation for use within the plant, and/or in the case of a unit that uses heat input for purposes other than electrical generation, the total steam flow (lb/hr) produced by the unit, including steam for use by the unit.

(HH) Unit operating day—A calendar day in which a unit combusts any fuel.

(II) Unit operating hour or hour of unit operation—Any hour or fraction of an hour during which a unit combusts fuel.

(JJ) Utilization—The heat input (expressed as million British thermal units per hour) for a unit.

(3) General Provisions.

(B) NO_x Emissions Trading Program.

1. NO_x authorized account representative. The NO_x authorized account representative shall have the responsibilities and meet the requirements identified in this subsection.

A. Each affected unit shall have only one NO_x authorized account representative with respect to all matters under the NO_x trading program. Each affected unit may have only one alternate

NO_x authorized account representative who may act on behalf of the NO_x authorized account representative.

B. A NO_x authorized account representative may be responsible for multiple units at an installation or within a system of installations with the same owner.

C. The department will act on a valid submission made on behalf of owners or operators of an affected unit only if the submission has been made, signed and certified by the NO_x authorized account representative or the alternate NO_x authorized account representative.

D. Each unit must submit an account certificate of representation no later than January 1, 2003 or December 31 of the year in which the rule becomes applicable for units installed after January 1, 2003.

2. NO_x allowance tracking system.

A. NO_x allowance tracking system accounts. The department will establish one compliance account for each NO_x unit and one overdraft account for each NO_x authorized account representative with one or more NO_x units. Allocations of NO_x allowances pursuant to paragraphs (3)(B)3. or (3)(B)10. of this rule and deductions or transfers of NO_x allowances pursuant to paragraphs (3)(B)3., (3)(B)7., (3)(B)9., or (3)(B)10. of this rule will be recorded in the compliance accounts or overdraft accounts.

B. Establishment of accounts.

(I) Compliance accounts and overdraft accounts. Upon receipt of a complete account certificate of representation, the department will establish—

(a) A compliance account for each affected NO_x unit for which the account certificate of representation was submitted; and

(b) An overdraft account for each NO_x authorized account representative for which the account certificate of representation was submitted.

(II) Account identification. The department will assign a unique identifying number to each compliance account and each overdraft account.

C. Recording of NO_x allowance allocations.

(I) The department will record the NO_x allowances for the 2003 control period in the NO_x units' compliance accounts.

(II) Serial numbers for allocated NO_x allowances. The department will assign each NO_x allowance a unique identification number that will include digits identifying the year for which the NO_x allowance is allocated.

3. NO_x allowances.

A. Projected NO_x allowances.

(I) By March 1, 2003, the NO_x authorized account representative for each affected unit shall submit to the department a report containing the following:

(a) The projected control period NO_x emission rate for each affected unit;

(b) The average of the three (3) most recent control period heat inputs, unless those three (3) periods are not representative of normal operation; and

(c) A plan identifying the methodology for compliance with subsection (3)(A) of this rule.

(II) The department will review each report and make any amendments within fifteen (15) working days.

(III) The department will develop a summary of projected NO_x allowances on a unit by unit and statewide basis for distribution on or before May 1 of each year using Equation 1 of this rule.

Equation 1:

$$\frac{\text{HI}_p \times \text{ER}_p}{2000} = \text{NO}_x \text{AL}_p$$

where:

HI_p = the projected control period heat input for each NO_x unit;
 ER_p = the projected control period emission rate for each NO_x unit; and
 NO_xAL_p = the projected NO_x allowance for each NO_x unit (in tons).

B. Control period NO_x allowances.

(I) By October 31 following each control period, each NO_x authorized account representative shall submit to the department the actual total control period heat input and actual average emission rate in a compliance report consistent with requirements of section (4) of this rule for each affected NO_x unit.

(II) By November 15 following each control period, the department will issue a notice to each NO_x authorized account representative of the actual NO_x allowances for each affected NO_x unit using Equation 2 of this rule.

Equation 2:

$$\frac{HI_a \times ER_r}{2000} = NO_xAL_a$$

where:

HI_a = the actual control period heat input for each NO_x unit;
 ER_r = the allowable control period emission rate for each NO_x unit as determined in paragraph (3)(A)1. or (3)(A)2. of this rule; and
 NO_xAL_a = the actual NO_x allowance for each unit for the control period (in tons).

4. Compliance. By the end of the NO_x allowance transfer deadline, each NO_x unit shall have sufficient NO_x allowances in their compliance account to allow for the deductions in subparagraph (3)(B)4.B. of this rule.

A. NO_x allowance transfer deadline. The NO_x allowances are available to be deducted for compliance with a unit's NO_x emissions limitation for a control period in a given year only if the NO_x allowances—

(I) Were allocated for a control period in a prior year or the same year; and

(II) Are held in the unit's compliance account or the unit's overdraft account as of the NO_x allowance transfer deadline for that control period.

B. Deductions for compliance.

(I) The director will deduct NO_x allowances to cover the unit's NO_x emissions for the control period—

(a) From the compliance account; and

(b) Only if no more NO_x allowances available under subparagraph (3)(B)4.A. of this rule remain in the compliance account, from the overdraft account. In deducting allowances for units from the overdraft account, the director will begin with the unit having the compliance account with the lowest NO_x Allowance Tracking System account number and end with the unit having the compliance account with the highest NO_x Allowance Tracking System account number.

(II) The director will deduct NO_x allowances until the number of NO_x allowances deducted for the control period equals the number of tons of NO_x emissions, determined in accordance with part (3)(B)4.B.(III) of this rule, from the unit for the control period for which compliance is being determined; or until no more NO_x allowances available under subparagraph (3)(B)4.A. of this rule remain in the respective account.

(III) For a NO_x unit that is allocated NO_x allowances under part (3)(B)3.B.(II) of this rule for a control period, the

department will deduct NO_x allowances under subparagraph (3)(B)4.B. or (3)(B)4.E. of this rule to account for the actual utilization of the unit during the control period. The department will calculate the number of NO_x allowances to be deducted to account for the unit's actual utilization using Equation 3 of this rule.

Equation 3:

$$\sum HI_a \times ER_a = NO_xAL_d$$

where:

HI_a = the actual control period heat input for each NO_x unit;
 ER_a = the actual control period emission rate for each NO_x unit; and
 NO_xAL_d = the number of NO_x allowances that will be deducted from each NO_x unit's compliance account.

C. Identification of NO_x allowances by serial number.

(I) The department may identify by serial number the NO_x allowances to be deducted from the unit's compliance account under subparagraph (3)(B)4.B., (3)(B)4.D., or (3)(B)4.E. of this rule. Such identification will be made in the compliance certification report submitted in accordance with paragraph (4)(A)1. of this rule.

(II) First-in, first-out (FIFO). The director will deduct NO_x allowances for a control period from the compliance account, in the absence of an identification or in the case of a partial identification of NO_x allowances by serial number under part (3)(B)9.C.(I) of this rule, or the overdraft account on a FIFO accounting basis in the following order:

(a) Those NO_x allowances that were allocated for the control period to the unit under part (3)(B)3.B.(II) of this rule;

(b) Those NO_x allowances that were allocated for the control period to any unit and transferred and recorded in the account pursuant to paragraphs (3)(B)7. and (3)(B)8. of this rule, in order of their date of recording;

(c) Those NO_x allowances that were allocated for a prior control period to the unit under part (3)(B)3.B.(II) of this rule; and

(d) Those NO_x allowances that were allocated for a prior control period to any unit and transferred and recorded in the account pursuant to paragraphs (3)(B)7. and (3)(B)8. of this rule, in order of their date of recording.

D. Deductions for units sharing a common stack. In the case of units sharing a common stack and having emissions that are not separately monitored or apportioned in accordance with section (4) of this rule—

(I) The NO_x authorized account representative of the units shall identify the percentage of NO_x allowances to be deducted from each such unit's compliance account to cover the unit's share of NO_x emissions from the common stack for a control period. Such identification shall be made in the compliance certification report submitted in accordance with paragraph (4)(A)1. of this rule.

(II) Notwithstanding part (3)(B)4.B.(II) of this rule, the director will deduct NO_x allowances for each unit until the number of NO_x allowances deducted equals the unit's identified percentage (under part (3)(B)4.D.(I) of this rule) of the number of tons of NO_x emissions, as determined in accordance with section (4) of this rule, from the common stack for the control period for which compliance is being determined or, if no percentage is identified, an equal percentage for each unit, plus the number of allowances required for deduction to account for actual utilization under subparagraph (4)(A)1.G. of this rule for the control period.

E. The director will record in the appropriate compliance account or overdraft account all deductions from such an account pursuant to subparagraphs (3)(B)4.B. and (3)(B)4.D. of this rule.

5. Banking.

A. NO_x allowances may be banked for future use or transfer into a compliance account or an overdraft account, as follows:

(I) Any NO_x allowance that is held in a compliance account or an overdraft account, will remain in such account until the NO_x allowance is deducted or transferred under paragraphs (3)(B)4., (3)(B)5., (3)(B)6., or (3)(B)7. of this rule.

(II) The director will designate, as a banked NO_x allowance, any NO_x allowance that remains in a compliance account or an overdraft account after the director has made all deductions for a given control period from the compliance account or overdraft account pursuant to paragraph (3)(B)4. of this rule.

B. Each year, starting in 2004, after the director has completed the designation of banked NO_x allowances under part (3)(B)5.A.(II) of this rule and before May 1 of the year, the department will determine the extent to which banked NO_x allowances may be used for compliance in the control period for the current year, as follows:

(I) The director will determine the total number of banked NO_x allowances held in compliance accounts or overdraft accounts.

(II) If the total number of banked NO_x allowances determined, under part (3)(B)5.B.(I) of this rule, to be held in compliance accounts or overdraft accounts is less than or equal to ten percent (10%) of the sum of the NO_x trading program allocations for the previous control period, any banked NO_x allowance may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule.

(III) If the total number of banked NO_x allowances determined, under part (3)(B)5.B.(I) of this rule, and held in compliance accounts or overdraft accounts exceeds ten percent (10%) of the sum of the state trading program allocations for the previous control period, any banked allowance may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule, except as follows:

(a) The director will determine the adjustment factor using Equation 4 of this rule.

Equation 4:

$$AF = \frac{0.1 \times \sum NO_x AL_a}{\sum NO_x AL_b}$$

where:

AF = the adjustment factor;

$\sum NO_x AL_a$ = the sum of the statewide NO_x allowance allocated for the previous control period; and

$\sum NO_x AL_b$ = the sum of the banked NO_x allowances as determined under part (3)(B)5.B.(I) of this rule on January 1 of the current year.

(b) The director will determine the number of banked NO_x allowances in the account that may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule using Equation 5 of this rule. Any banked NO_x allowances in excess of the product of Equation 5 may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule, except that, if such NO_x allowances are used to make a deduction, two (2) such NO_x allowances must be deducted for each deduction of one (1) NO_x allowance required under paragraph (3)(B)4. of this rule.

Equation 5:

$$AF \times NO_x AL_b$$

where:

AF = the adjustment factor calculated in Equation 4; and

$NO_x AL_b$ = the number of NO_x allowances in a NO_x unit's account.

(IV) Geographic flow control.

(a) Banked NO_x allowances made available for use in parts (3)(B)5.B.(II) and (3)(B)5.B.(III) of this rule may be traded from the control region for which paragraph (3)(A)1. of this rule is applicable to the control region for which paragraph (3)(A)2. of this rule is applicable on a one to one (1:1) basis.

(b) Banked NO_x allowances made available for use in parts (3)(B)5.B.(II) and (3)(B)5.B.(III) of this rule may be traded from the control region for which paragraph (3)(A)2. of this rule is applicable to the control region for which paragraph (3)(A)1. of this rule is applicable on a one and one-half to one (1.5:1) basis.

C. Early Reductions. For any affected NO_x unit that reduces its NO_x emission rate in the 2000, 2001 or 2002 control period, the owner or operator of the unit may request early reduction allowances, and the department will allocate ERCs by January 31 of each year to the unit in accordance with the following requirements.

(I) Each NO_x unit for which the owner or operator requests any early reduction credits under part (3)(B)5.C.(IV) of this rule shall monitor NO_x emissions in accordance with section (4) of this rule for each control period for which such early reduction credits are requested. The unit's monitoring system availability shall be not less than ninety percent (90%) during the control period, and the unit must not have been found to be in violation of any applicable state or federal emissions or emissions-related requirements.

(II) NO_x emission rate and heat input under parts (3)(B)5.C.(III) through (3)(B)5.C.(V) of this rule shall be determined in accordance with section (4) of this rule.

(III) Each NO_x unit for which the owner or operator requests any early reduction credits under part (3)(B)5.C.(IV) of this rule shall reduce its NO_x emission rate, for each control period for which early reduction credits are requested, to less than the applicable requirement of paragraph (3)(A)1. or (3)(A)2. of this rule.

(IV) The NO_x authorized account representative of a NO_x unit that meets the requirements of parts (3)(B)5.C.(I) and (3)(B)5.C.(III) of this rule may submit to the department a request for early reduction credits for the unit based on NO_x emission rate reductions made by the unit in the control period for 2000, 2001 or 2002 in accordance with part (3)(B)5.C.(III) of this rule.

(a) In the early reduction credit request, the NO_x authorized account representative may request early reduction credits for such control period using Equation 6 of this rule.

Equation 6:

$$ERC = HI_a \times (NO_x ER_r - NO_x ER_a) \div 2000$$

where:

ERC = the early reduction credits accrued rounded to the nearest ton of NO_x;

HI_a = the actual control period heat input for each NO_x unit;

$NO_x ER_r$ = the regulated NO_x emission rate as identified in paragraph (3)(A)1. or (3)(A)2. of this rule; and

$NO_x ER_a$ = the actual control period emission rate for each NO_x unit.

(b) The early reduction credit request must be submitted, in a format specified by the department, by October 31 of the year in which the NO_x emission rate reductions are made.

(V) The department will allocate NO_x allowances no later than January 31 to NO_x units meeting the requirements of parts (3)(B)5.C.(I) and (3)(B)5.C.(III) of this rule and covered by

early reduction requests meeting the requirements of subpart (3)(B)5.C.(IV)(b) of this rule.

(VI) NO_x allowances recorded under part (3)(B)5.C.(V) of this rule may be deducted for compliance under paragraph (3)(B)3. of this rule for the control periods in 2003 or 2004. Notwithstanding subparagraph (3)(B)5.A. of this rule, the director will deduct as retired any NO_x allowance that is recorded under part (3)(B)5.C.(V) of this rule and is not deducted for compliance in accordance with paragraph (3)(B)3. of this rule for the control period in 2003 or 2004.

(VII) NO_x allowances recorded under part (3)(B)5.C.(V) of this rule are not treated as banked allowances in 2004 for the purposes of subparagraphs (3)(B)5.A. and (3)(B)5.B. of this rule.

(VIII) Compliance set-aside account.

(a) The department will establish a compliance set-aside account, which will contain fifty percent (50%) of the early reduction credits that are issued in accordance with part (3)(B)5.C.(II) of this rule.

(b) Early reduction credits will be sold from the compliance set-aside pool by the department in the order of request to NO_x authorized account representatives requesting such credits.

(c) A NO_x authorized account representative may request early reduction credits from the compliance set-aside account by submitting a report containing the following on or before October 31, 2003 and 2004 for the 2003 and 2004 control periods, respectively:

- I. The owner and operator;
- II. The NO_x authorized account representative;
- III. The NO_x unit identification number and name;
- IV. The projected control period heat input and projected control period emission rate;
- V. The number of ERCs being requested; and
- VI. The overdraft or compliance account number.

(d) The department shall set the market rate for early reduction credits on January 1 of each year and shall review the rate quarterly. Market rate shall be established based on the following in the order listed:

- I. The average rate of exchange of NO_x credits for the most recent quarter; and
- II. The most recent control cost data available.

(e) Proceeds from the sale of early reduction credits will be distributed to the owner of units issued ERCs under part (3)(B)5.C.(V) of this rule by percentage of issuance.

(f) Any ERC allowances remaining in the compliance set-aside account after October 31, 2004, will be returned to the unit that generated the early reduction credits.

(IX) All ERCs will be retired on January 31, 2005.

6. Account error. The director may correct any error in any NO_x Allowance Tracking System account. Within ten (10) business days of making such correction, the director will notify the NO_x authorized account representative for the account. The NO_x authorized account representative will then have ten (10) business days to appeal the correction if they feel the correction was made in error.

7. NO_x allowance transfers. The NO_x authorized account representatives seeking the recording of a NO_x allowance transfer shall submit the transfer request to the director. To be considered correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the director:

- A. The numbers identifying both the transferor and transferee accounts;
- B. A specification by serial number of each NO_x allowance to be transferred; and
- C. The printed name and signature of the NO_x authorized account representative of the transferor account and the date signed.

8. Department recording.

A. Within five (5) business days of receiving a NO_x allowance transfer, except as provided in subparagraph (3)(B)9.B. of this rule, the department will record a NO_x allowance transfer by moving each NO_x allowance from the transferor account to the transferee account as specified by the request, provided that—

- (I) The transfer is correctly submitted under paragraph (3)(B)8. of this rule;
- (II) The transferor account includes each NO_x allowance identified by serial number in the transfer; and
- (III) The transfer meets all other requirements of this paragraph.

B. A NO_x allowance transfer that is submitted for recording following the NO_x allowance transfer deadline and that includes any NO_x allowances allocated for a control period prior to or the same as the control period to which the NO_x allowance transfer deadline applies will not be recorded until after completion of the process of recording of NO_x allowance allocations of this rule.

C. Where a NO_x allowance transfer submitted for recording fails to meet the requirements of subparagraph (3)(B)9.A. of this rule, the department will not record such transfer.

9. Notification.

A. Notification of recording. Within five (5) business days of recording of a NO_x allowance transfer under paragraph (3)(B)8. of this rule, the department will notify each NO_x authorized account representative of the transfer in writing.

B. Notification of nonrecording. Within ten (10) business days of receipt of a NO_x allowance transfer that fails to meet the requirements of paragraph (3)(B)7. of this rule, the department will notify in writing the NO_x authorized account representatives of both accounts subject to the transfer of—

- (I) A decision not to record the transfer; and
- (II) The reasons for such nonrecording.

10. Individual EGU opt-ins. An EGU that is not an affected unit under subsection (1)(A) of this rule that vents all of its emissions to a stack may qualify to become a NO_x opt-in unit under this paragraph of this rule. A NO_x opt-in unit will not be allowed to participate in the NO_x trading program without prior approval.

A. A NO_x opt-in unit shall have a NO_x authorized account representative.

B. Request for initial NO_x opt-in. In order to request to opt-in to the trading program, the NO_x authorized account representative of the unit must submit to the department at any time the following:

- (I) The projected NO_x emission rate for each affected unit;
- (II) The average of the three (3) most recent years heat input on a monthly basis over the control period for each affected unit; and
- (III) A plan detailing the methodology for compliance with paragraph (3)(B)10. of this rule.

C. The department will review the request and respond within ninety (90) days of the date of receipt of the request.

D. Request for opting-in to the NO_x trading program must be received by the department no later than February 1 of the same year as the control period that the NO_x opt-in unit requests to begin participation in the NO_x trading program.

E. The NO_x opt-in units shall establish a baseline heat input and a baseline NO_x emissions rate under the requirements of subsection (5)(G) of this rule. After calculating the baseline heat input and the baseline NO_x emissions rate for the NO_x opt-in unit, the department will notify the NO_x authorized account representative of the unit of the resulting baseline.

F. The established baseline shall be the regulated NO_x emission rate for the opt-in unit. The NO_x opt-in unit shall meet the same schedule as all NO_x units with respect to all deadlines and schedules. The allowances issued to the opt-in unit under this paragraph shall be calculated using equation 7 of this rule.

Equation 7:

$$\frac{HI_{\text{opt}} \times ER_{\text{opt}}}{2000} = NO_x AL_{\text{opt}}$$

where:

- HI_{opt} = the actual control period heat input for the NO_x opt-in unit;
- ER_{opt} = the baseline emission rate for the NO_x opt-in unit as determined under subsection (5)(G) of this rule; and
- $NO_x AL_{\text{opt}}$ = the actual NO_x allowances for the opt-in unit for the control period (in tons).

G. If at any time before the approval of a NO_x opt-in unit, the department determines that the unit does not qualify as a NO_x opt-in unit under this paragraph, the department will issue a denial of the NO_x opt-in request for the unit.

H. Withdrawal of NO_x opt-in request. A NO_x authorized account representative of a unit may withdraw its request to opt-in at any time prior to the approval for the NO_x opt-in unit. Once the request for a NO_x opt-in unit is withdrawn, a NO_x authorized account representative seeking to reapply must submit a new request for a NO_x opt-in unit under this subsection.

I. Effective date. The effective date of the initial NO_x opt-in shall be May 1 of the first control period starting after the approval of the NO_x opt-in unit by the department. The unit shall be a NO_x opt-in unit and an affected NO_x unit as of the effective date of the approval and be subject to the requirements of this rule.

J. Change in regulatory status. When a NO_x opt-in unit becomes an affected unit, the NO_x authorized account representative shall notify the department in writing of such change in the NO_x opt-in unit's regulatory status within thirty (30) days of such change.

K. Withdrawal from NO_x trading program. A NO_x opt-in unit may withdraw from the NO_x trading program if it meets the following requirements:

(I) To withdraw from the NO_x trading program, the NO_x authorized account representative of a NO_x opt-in unit shall submit to the department a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no later than ninety (90) days prior to the requested effective date of withdrawal.

(II) Before a NO_x opt-in unit may withdraw from the NO_x trading program, the following conditions must be met.

(a) For the control period immediately before the withdrawal is to be effective, the NO_x authorized account representative must submit or must have submitted to the department an annual compliance certification report.

(b) If the NO_x opt-in unit has excess emissions for the control period immediately before the withdrawal is to be effective, the department will deduct from the NO_x opt-in unit's compliance account, or the overdraft account of the affected unit where the affected unit is located, the full amount required for the control period.

(III) A NO_x opt-in unit that withdraws from the NO_x trading program shall comply with all requirements under the NO_x trading program concerning all years for which such NO_x opt-in unit was a NO_x opt-in unit, even if such requirements must be complied with after the withdrawal takes effect.

(IV) Notification procedures shall be as follows:

(a) After the requirements for withdrawal under this paragraph have been met, the department will issue a notification to the NO_x authorized account representative of the NO_x opt-in unit of the acceptance of the withdrawal of the NO_x opt-in unit as of a specified effective date that is after such requirements have been met and that is prior to May 1 or after September 30.

(b) If the requirements for withdrawal under this paragraph have not been met, the department will issue a notification

to the NO_x authorized account representative of the NO_x opt-in unit that the NO_x opt-in unit's request to withdraw is denied. If the NO_x opt-in unit's request to withdraw is denied, the NO_x opt-in unit shall remain subject to the requirements for a NO_x opt-in unit.

(V) A NO_x opt-in unit shall continue to be a NO_x opt-in unit until the effective date of the withdrawal.

(VI) Once a NO_x opt-in unit withdraws from the NO_x trading program, the NO_x authorized account representative may not submit another application for the NO_x opt-in unit prior to the date that is four (4) years after the date on which the withdrawal became effective.

11. Output based emissions trading of NO_x . (Reserved)

(4) Reporting and Record Keeping.

(A) Reporting.

1. A compliance certification report for each affected unit shall be submitted to the department by October 31 following each control period. The report shall include:

- A. The owner and operator;
- B. The NO_x authorized account representative;
- C. NO_x unit name, compliance and overdraft account numbers;

D. NO_x emission rate limitation (lb/mmBtu);

E. Actual NO_x emission rate (lb/mmBtu) for the control period;

F. Actual heat input (mmBtu) for the control period. The unit's total heat input for the control period in each year will be determined in accordance with section (5) of this rule; and

G. Actual NO_x mass emissions (tons) for the control period.

2. Reporting shall be based on the test methods identified in section (5) of this rule. Any unit with valid CEMS data for the control period must use that data to determine compliance with the provisions of this rule. The owner or operator for each affected unit which performs non-CEMS testing to demonstrate compliance of a unit subject to section (3) of this rule shall submit:

A. A control period report identifying monthly fuel usage and monthly total heat input by December 31 of the same year as the control period; and

B. A written report of all stack tests completed after controls are effective to the department within sixty (60) days after completion of sample and data collection.

(5) Test Methods and Monitoring. For units subject to this rule, the following requirements shall apply:

(C) If a CEMS is not applicable, an alternate procedure listed in 40 CFR part 75 Appendix E shall be performed every three thousand (3,000) operating hours or every five (5) years whichever is more frequent. Identical units may use procedures identified in 40 CFR part 75.19 for purposes of testing;

(D) Coal-Fired Units. Any coal-affected unit subject to this rule shall install, certify, operate, maintain, and quality assure a NO_x and diluent CEMS pursuant to the requirements in 40 CFR part 75;

(E) Non-Exempt Peaking Units. Any gas- or oil-fired peaking unit that is subject to the emission limitation or trading aspects of this rule shall:

1. Install, certify, operate, maintain, and quality assure a NO_x and diluent CEMS; or

2. Install, certify, operate, and quality assure fuel-metering equipment pursuant to 40 CFR part 75, Appendix D and shall establish a NO_x -to-load curve pursuant to 40 CFR part 75, Appendix E;

(F) Exempt Units. Any gas- or oil-fired unit that qualifies for the low-emitter exemption in paragraph (1)(B)1. or the low hours of operation exemption in paragraph (1)(B)2. shall:

1. Install, certify, operate, maintain, and quality assure a NO_x and diluent CEMS;

2. Install, certify, operate, maintain, and quality assure fuel-metering equipment pursuant to 40 CFR part 75, Appendix D and shall establish a NO_x-to-load curve pursuant to 40 CFR part 75, Appendix E; or

3. Estimate or measure NO_x emissions pursuant to the requirements in 40 CFR part 75, section 75.19; and

(G) Opt-In Units. Any unit that opts into the trading program, pursuant to paragraph (3)(B)10., shall be monitored consistent with the provisions of subsections (5)(E) and (5)(F) above. For the purpose of establishing the baseline allowance allocation, an opt-in unit shall install, certify, operate, maintain, and quality assure the monitoring device(s) and collect data for at least one (1) control season prior to submission of an opt-in application.

**REVISED FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6- Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10-6.350 Emissions Limitations and Emissions Trading of Oxides of Nitrogen

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
City of Columbia	\$ 318,589
City of Springfield	\$ 4,500,383
City of Independence	\$ 773,860
City of Sikeston	\$ 7,217,395
City of Moberly	\$ 75,000
Chillicothe Municipal Utilities	\$ 600,000
City of Mexico	\$ 75,000
MDNR Air Pollution Control Program	\$ 2,175,392
Total	\$15,735,619

III. WORKSHEET

The public entity costs are divided into the following categories:

1. public entities required to implement emissions controls,
2. public entities electing to meet exemption requirements in lieu of controls, and
3. additional staff requirements.

1. Costs for public entities required to implement emissions controls

Table 1
Fiscal Impact on Publicly Owned NO_x Budget Units Affected by Proposed Rule 10 CSR 10-6.350

System	NO _x Emission Reductions	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
City of Columbia	33	\$ 22,144	\$ 22,144	\$ 22,144	\$ 22,144	\$ 22,144	\$ 22,144
City of Springfield	574	\$ 381,853	\$ 381,853	\$ 381,853	\$ 381,853	\$ 381,853	\$ 381,853
City of Independence	106	\$ 70,351	\$ 70,351	\$ 70,351	\$ 70,351	\$ 70,351	\$ 70,351
City of Sikeston	986	\$ 656,127	\$ 656,127	\$ 656,127	\$ 656,127	\$ 656,127	\$ 656,127
Total	1,699	\$1,130,475	\$1,130,475	\$1,130,475	\$1,130,475	\$1,130,475	\$1,130,475
	FY2007	FY2008	FY2009	FY2010	FY2011	Aggregate Cost	
City of Columbia	\$ 22,144	\$ 22,144	\$ 22,144	\$ 22,144	\$ 22,144	\$ 243,589	
City of Springfield	\$ 381,853	\$ 381,853	\$ 381,853	\$ 381,853	\$ 381,853	\$ 4,200,383	
City of Independence	\$ 70,351	\$ 70,351	\$ 70,351	\$ 70,351	\$ 70,351	\$ 773,860	
City of Sikeston	\$ 656,127	\$ 656,127	\$ 656,127	\$ 656,127	\$ 656,127	\$ 7,217,395	
Total	\$1,130,475	\$1,130,475	\$1,130,475	\$1,130,475	\$1,130,475	\$12,435,227	

3. Costs for public entities electing to meet exemption requirements in lieu of controls

Table 2
Units Expected to Comply with 25 Ton Per Control Period Exemption

System	Plant	Generating Capacity	2003 NO _x Emissions
City of Mexico	MEXICO	60.7	22.36
City of Columbia	COLUMBIA	35	1.36
City of Springfield	JAMES RIVER	70	22.69
City of Springfield	JAMES RIVER	70	23.54
City of Springfield	SOUTHWEST	44	5.21
City of Springfield	SOUTHWEST	44	5.28
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	5.30
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	0.05
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	5.30
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	0.05
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	0.09
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	0.03
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	2.05
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	0.04
City of Moberly	MOBERLY	60.6	24.46
	Total		117.80

Annual cost per unit to comply with twenty-five (25) ton per control period exemption is \$7,500 per year.
Total number of units expected to comply with twenty-five (25) ton per control period exemption is fifteen (15).
Fifteen (15) units at \$7,500 per unit per year = \$112,500 per year for all units. Compliance will occur annually beginning in FY 2002

3. Additional staff

Missouri Department of Natural Resources
Air Pollution Control Program (APCP)

3.0 FTE

One FTE is expected to be classified as Environmental Engineer I/II (EEI/II).

One FTE will be classified as Environmental Engineer III (EEIII).

One FTE will be classified as a Planner I/II.

The Planner I/II will be employed in the Administration Section of the APCP and the duties will begin in FY2001.

The EE III will be employed in the Permitting Section of the APCP. APCP Permitting Section duties will begin in FY2001.

One EEI/II will be employed in the Enforcement Section of the APCP. Enforcement Section duties will begin in FY2002.

Table 3
MDNR Staff Costs

	FY2001			FY2002			FY2003		
	Planner I/II	EE I/II	EE III	Planner I/II	EE I/II	EE III	Planner I/II	EE I/II	EE III
Salary	\$34,992	\$0	\$57,034	\$36,392	\$47,737	\$59,315	\$37,847	\$49,647	\$61,688
Equipment (PC)	\$ 4,944	\$0	\$ 4,944	\$ 4,944	\$ 4,944	\$ 4,944	\$ 4,944	\$ 4,944	\$ 4,944
Travel & Expense	n/a	\$0	\$ 2,400	n/a	\$ 2,400	\$ 2,400	n/a	\$ 2,400	\$ 2,400
Office Expense	\$ 1,070	\$0	\$ 1,070	\$ 1,070	\$ 1,070	\$ 1,070	\$ 1,070	\$ 1,070	\$ 1,070
Communication Expense	\$ 900	\$0	\$ 900	\$ 900	\$ 900	\$ 900	\$ 900	\$ 900	\$ 900
Inst. & Psych. Plant Expense	\$ 2,440	\$0	\$ 2,440	\$ 2,440	\$ 2,440	\$ 2,440	\$ 2,440	\$ 2,440	\$ 2,440
Inst. & Psych. Plant Equipment	\$ 170	\$0	\$ 170	\$ 170	\$ 170	\$ 170	\$ 170	\$ 170	\$ 170
Data Processing Expense	\$ 173	\$0	\$ 173	\$ 173	\$ 173	\$ 173	\$ 173	\$ 173	\$ 173
Professional Services	n/a	\$0	\$ 256	n/a	\$ 256	\$ 256	n/a	\$ 256	\$ 256
Other Expense	\$ 512	\$0	\$ 512	\$ 512	\$ 512	\$ 512	\$ 512	\$ 512	\$ 512
Total	\$45,201	\$0	\$69,899	\$46,601	\$60,602	\$72,180	\$48,056	\$62,512	\$74,553

	FY2001		FY2002		FY2003*	
	# of FTEs	Cost	# of FTEs	Cost	# of FTEs	Cost
Planner I/II	1	\$ 45,201	1	\$ 46,601	1	\$ 48,056
EE I/II	0	\$0	1	\$60,602	1	\$62,512
EE III	1	\$ 69,899	1	\$ 72,180	1	\$ 74,553
Total	2	\$115,110	3	\$179,383	3	\$185,121

* These positions will exist for the life of the rule and the salaries are expected to increase four percent (4%) annually.

Table 4
Aggregate Cost

	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
MDNR Costs	\$ 115,100	\$ 179,383	\$ 185,121	\$ 191,088	\$ 197,055	\$ 203,023
Costs from Table 1	\$1,130,475	\$1,130,475	\$1,130,475	\$1,130,475	\$ 1,130,475	\$1,130,475
Costs from Table 2	\$ 0	\$ 112,500	\$ 112,500	\$ 112,500	\$ 112,500	\$ 112,500
Total	\$1,245,575	\$1,422,358	\$1,428,096	\$1,434,063	\$ 1,440,030	\$ 1,445,998
	FY2007	FY2008	FY2009	FY2010	FY2011	Aggregate
MDNR Costs	\$ 208,990	\$ 214,957	\$ 220,924	\$ 226,892	\$ 232,859	\$ 2,175,392
Costs from Table 1	\$1,130,475	\$1,130,475	\$1,130,475	\$1,130,475	\$1,130,475	\$12,435,225
Costs from Table 2	\$ 112,500	\$ 112,500	\$ 112,500	\$ 112,500	\$ 112,500	\$ 1,125,000
Total	\$1,451,965	\$1,457,932	\$1,463,899	\$1,469,867	\$1,475,834	\$15,735,619

IV. ASSUMPTIONS

1. The rule lifetime is assumed to be eleven (11) years.
2. The date on which affected electric generating unit (EGU) must be in compliance with this regulation is May 1, 2003.
3. NO_x reductions are only required during the control period, which is May 1 through September 30.
4. Potential controls on which costs are based for EGUs include selective catalytic reduction.
5. Salaries are assumed to increase four percent (4%) annually.
6. For Table 1, assuming a ten (10) year depreciation rate and a fifteen percent (15%) interest rate. Monitoring, record keeping and reporting costs are assumed to be twenty percent (20%) of the capital cost. Capital costs are assumed to be equal to \$1,667 per ton of NO_x reduced.
7. All cost savings from Early Reduction Credits are included in the private entity fiscal note.
8. Estimated cost of compliance in the aggregate includes salary costs for the fiscal years of 2001-2011.

REVISED FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6- Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10-6.350 Emissions Limitations and Emissions Trading of Oxides of Nitrogen

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the Proposed Rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6	Electricity Generating Facilities	\$504,046,820

III. WORKSHEET

Table 1: Fiscal Impact NO_x Budget Units Affected by Proposed Rule 10 CSR 10-6.350

	Total emission reductions	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
AECI	18,005	\$11,983,341	\$11,983,341	\$11,983,341	\$11,983,341	\$11,983,341	\$11,983,341
Ameren U.E.	8,475	\$22,000,000	\$22,000,000	\$22,000,000	\$22,000,000	\$22,000,000	\$22,000,000
The Empire District Electric Co.	1,757	\$ 4,007,878	\$ 4,007,878	\$ 4,007,878	\$ 4,007,878	\$ 4,007,878	\$ 4,007,878
KCP&L	-219	\$ -145,962	\$ -145,962	\$ -145,962	\$ -145,962	\$ -145,962	\$ -145,962
St. Joseph Light & Power	945	\$ 628,924	\$ 628,924	\$ 628,924	\$ 628,924	\$ 628,924	\$ 628,924
UtiliCorp United	5,443	\$ 8,600,000	\$ 8,600,000	\$ 8,600,000	\$8,600,000	\$ 8,600,000	\$ 8,600,000
Total	34,405	\$47,074,181	\$47,074,181	\$47,074,181	\$47,074,181	\$47,074,181	\$47,074,181
		FY2007	FY2008	FY2009	FY2010	FY2011	Total Cost
AECI		\$11,983,341	\$11,983,341	\$11,983,341	\$11,983,341	\$11,983,341	\$131,816,749
Ameren U.E.		\$22,000,000	\$22,000,000	\$22,000,000	\$22,000,000	\$22,000,001	\$242,000,001

The Empire District Electric Co.		\$4 ,007,878	\$ 4,007,878	\$ 4,007,878	\$ 4,007,878	\$ 4,007,878	\$44,086,658
KCP&L		\$ -145,962	\$ -145,962	\$ -145,962	\$ -145,962	\$ -145,962	\$ -1,605,587
St. Joseph Light & Power		\$ 628,924	\$ 628,924	\$ 628,924	\$ 628,924	\$ 628,924	\$ 6,918,163
UtiliCorp United		\$ 8,600,000	\$ 8,600,000	\$ 8,600,000	\$ 8,600,000	\$ 8,600,000	\$ 94,600,000
Total		\$47,074,181	\$47,074,181	\$47,074,181	\$47,074,181	\$47,074,181	\$517,815,984

Table 2: Units Expected to Comply with 25 Ton Per Control Period Exemption

Company	Facility	Boiler Capacity	Estimated 2003 NO _x Emissions
Ameren U.E.	AMEREN - VIADUCT	30.6	10.37
Ameren U.E.	MOREAU	60.9	23.36
Ameren U.E.	FAIRGROUNDS	68.3	16.91
KCP&L	NORTHEAST STATION	50	9.84
KCP&L	NORTHEAST STATION	64	8.33
KCP&L	NORTHEAST STATION	50	14.79
KCP&L	NORTHEAST STATION	64	8.03
KCP&L	NORTHEAST STATION	64	15.59
KCP&L	NORTHEAST STATION	64	15.39
KCP&L	NORTHEAST STATION	64	16.15
KCP&L	NORTHEAST STATION	64	14.62
Ameren U.E.	MERAMEC	68.3	23.37
Ameren U.E.	HOWARD BEND COMBUSTION TURBINE	47.4	14.30
	Total		191.05

Annual cost per unit to comply with twenty-five (25) ton per control period exemption = \$7,500 per year

Total number of units expected to comply with twenty-five (25) ton per control period exemption = 13

Compliance will occur annually beginning in FY2002

13 units * \$7,500/unit = \$97,500 per year

Table 3: Cost Savings Due to Early Reduction Credits

FY2003	FY2004	FY2005
\$2,939,249	\$7,372,082	\$4,432,833

Table 4: Total Aggregate Costs

	FY2001	FY2002	FY2003	FY2004	FY2005
Capital, Recordkeeping, and Monitoring Costs	\$47,074,181	\$47,074,181	\$47,074,181	\$47,074,181	\$47,074,181
ERC Savings	\$ 0	\$ 0	\$ -2,939,249	\$ -7,372,082	\$ -4,432,833
Cost of Compliance with 25 Ton Exemption	\$ 0,000	\$ 97,500	\$ 97,500	\$ 97,500	\$ 97,500
Annualized Aggregate	\$47,074,181	\$47,171,681	\$44,232,432	\$39,799,599	\$42,738,848

	FY2006	FY2007	FY2008	FY2009	FY2010
Capital, Recordkeeping, and Monitoring Costs	\$47,074,181	\$47,074,181	\$47,074,181	\$47,074,181	\$47,074,181
ERC Savings	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Cost of Compliance with 25 Ton Exemption	\$ 97,500	\$ 97,500	\$ 97,500	\$ 97,500	\$ 97,500
Annualized Aggregate	\$47,171,681	\$47,171,681	\$47,171,681	\$47,171,681	\$47,171,681
	FY2011	Aggregate			
Capital, Recordkeeping, and Monitoring Costs	\$47,074,181	\$517,815,984			
ERC Savings	\$ 0	\$ -14,744,164			
Cost of Compliance with 25 Ton Exemption	\$ 97,500	\$ 975,000			
Annualized Aggregate	\$47,171,681	\$504,046,820			

IV. ASSUMPTIONS

1. The rule lifetime is assumed to be eleven (11) years.
2. Cost estimates are based on a capital cost assumption of \$1,667 per ton of NO_x reduction, monitoring and recordkeeping of twenty percent (20%) of the capital cost, and fifteen percent (15%) interest rate. The annualized costs are a compounded interest rate of depreciation. Cost figures used in this rule are consistent with those used in the development of the EPA's NO_x SIP call. The department believes that these cost figures adequately represent the installation of controls listed in assumption 9.
3. Cost estimates for Ameren U.E., The Empire District Electric Co. and Utilicorp United were supplied by the companies.
4. Ameren U.E. costs reflect control that have already been installed in order to comply with this rule. The department has not included similar controls at other installations due to the lack of data.
5. The department projects that 5,078 tons per year of early reduction NO_x credits will be generated in the years 2000, 2001, and 2002. This was project to account for seventeen and one-half percent (17.5%) of the year 2003 and 2004 emission. The department has reduced the compliance costs for control periods 2003 and 2004 by seventeen and one-half percent (17.5%) in order to account for the additional trading allowances.
6. The date on which affected EGU must be in compliance with this regulation is May 1, 2003.
7. NO_x reductions are only required during the control period which is May 1 through September 30.
8. The NO_x emissions numbers used in this fiscal note for EGUs are not intended to be the actual allowances for each affected unit. The NO_x emissions numbers are for cost calculations only and are based on the NO_x emissions inventory used in the St. Louis Ozone Nonattainment Area Attainment Demonstration. The actual NO_x allowance allocations will be identified by the department as required by this rule.
9. Potential controls on which costs are based for EGUs include selective catalytic reduction, selective non-catalytic reduction, natural gas reburn and combustion controls.
10. Costs that appear as negatives in Table I reflect facilities that have already made changes that resulted in significant emission reductions. The cost related to these changes have not been reported to the department and are not reflected in this fiscal note.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 7—Water Quality

ORDER OF RULEMAKING

By the authority vested in the Missouri Clean Water Commission under section 644.026, RSMo Supp. 1999, the commission hereby amends a rule as follows:

10 CSR 20-7.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2000 (25 MoReg 264–268). The section with changes is reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received regarding combined sewer overflows, L1 Lakes, and mine dewatering water.

Combined Sewer Overflows

COMMENT: One comment supported the change to this provision and further recommended that the commission consider changes related to wet weather wastewater treatment facilities discharges as well. (City of Independence; similar comment from the City of Kansas City)

RESPONSE: No changes are proposed in the current rulemaking. The commission may consider other changes related to wet weather flows in future rulemakings.

COMMENT: WPCP staff noted that the proposed deletions unintentionally removed portions that address requirements for storm water clarifiers at wastewater treatment facilities.

RESPONSE AND EXPLANATION OF CHANGE: The proposed rulemaking was intended to address situations at combined sewer overflows and not change requirements related to storm water clarifiers at wastewater treatment facilities. The language has been modified accordingly.

L1 Lakes

COMMENT: One comment questioned whether the rule should specifically exempt permitted land disturbance activities within drinking water lake watersheds. (Missouri Department of Transportation)

RESPONSE: The WPCP recognizes that this rule predates the requirements of storm water permitting, and thus many sections include provisions that may need modification under the assumption that the term “wastewater” now includes storm water runoff. Rather than including a specific exemption here, the program believes it is preferable to address all of the storm water permitting issues throughout the rule. It is, therefore, recommended to make no change here, but to explore all of the changes that will be needed to address storm water permitting, including the federal Phase II storm water requirements that must be incorporated into Missouri rules in the next few years.

COMMENT: One comment questioned whether no-discharge agricultural facilities would be excluded by this rule. (Premium Standard Farms)

RESPONSE: No changes are anticipated for the permitting of agricultural, no-discharge facilities under this proposed rulemaking. No changes to the proposed rulemaking are recommended based upon this comment.

Mine Dewatering Water

COMMENT: One comment stated that mines must be located where there's a mineral deposit to be mined. This is the most promising place in the United States for finding a mineral deposit large enough and rich enough to justify opening a new mine. (The Doe Run Company)

RESPONSE: The WPCP has no information related to the prospects for finding economically recoverable deposits in this area as that information is held confidential by the industry. With regard to this specific location, the Water Pollution Control Program would note that these watersheds are the only waters in Missouri that have received federal designation for their high quality and high value. The Current River and Jacks Fork became the first federally designated waters in the nation in 1964, and the Eleven Point River followed four years later. One other water (Gasconade River) was studied for federal designation, but was not included in this highly prized group of waters. No change was made as a result of this comment.

COMMENT: One comment stated that water from closed lead mines is utilized as drinking water. (The Doe Run Company)

RESPONSE: The Water Pollution Control Program notes that there are different standards applicable to drinking water supplies and surface waters, differences in water from closed mines and active mines, and also that these mine waters have higher lead contents than contained in waters of these rivers. No change was made as a result of this comment.

COMMENT: One comment stated that any new mine/mill operation would be constructed to be a no-discharge of process water facility. (The Doe Run Company)

RESPONSE: The WPCP notes that under federal definitions mine dewatering water is process water as it comes in contact with metallic ores. No change was made as a result of this comment.

COMMENT: One comment stated that existing regulations will protect water quality if a mining operation is ever located in these watersheds. (The Doe Run Company)

RESPONSE: The WPCP notes that these same regulations have failed to eliminate creation of water quality problems in other mining areas. No change was made as a result of this comment.

COMMENT: One comment stated that the proposed amendment has the effect of zoning mining out of these drainage areas; many other industries are already zoned out. (The Doe Run Company)

RESPONSE: The WPCP notes the powers of zoning are granted to local governments which may exercise them as they deem appropriate; the commission on the other hand is charged to effect regulations that protect water quality. This includes the authority to adopt regulations to protect the special attributes of particular waters. No change was made as a result of this comment.

COMMENT: One comment stated that the commission has the authority to regulate and control discharges, not the authority to prohibit them. (The Doe Run Company)

RESPONSE: The Water Pollution Control Program notes that the law provides the authority to deny a permit, thus prohibiting a discharge, if the proposed discharge will not comply with water quality standards or other requirements (Chapter 644.051.3). Precluding permits that would be denied as a process of rulemaking is administratively more efficient than denying applications individually. In addition, it avoids costs on the part of applicants and any expectations on the part of applicants that permits may be issued. The commission has previously determined that certain other waters should not receive any wastewater discharges for reasons other than those considered here (see 10 CSR 20-7.015(5)). No change was made as a result of this comment.

COMMENT: One comment stated that the public cost fiscal note is incorrect in that increased jobs and taxes provided by a mine would provide much more than \$500. (The Doe Run Company)

RESPONSE: The Water Pollution Control Program agrees that local governments would be the beneficiary of local increased jobs and taxes were a mine to be built. However, there is no plan to construct a mine, and this statement is, therefore, only speculation. Further, the comment does not address the potential damage to the tourism and recreation economies of the watersheds, which may well be significantly damaged if these high quality waters become impacted by mining operations as others already have. No change was made as a result of this comment.

COMMENT: One comment stated that the private cost fiscal note is incorrect in that there will be use from the information from exploratory holes already drilled. (The Doe Run Company)

RESPONSE: The Water Pollution Control Program has no information related to the information gleaned from the exploratory holes as that information is held confidential by the industry. The program can conclude only that the industry has some knowledge of the area and has no current applications for permits to conduct mining. Exploratory drilling is, of course, a cost of conducting this business, and the probability of drilling exploratory holes without finding mineable deposits is one of the risks involved. No change was made as a result of this comment.

COMMENT: Many comments were received in support of the proposed change.

RESPONSE: No changes to the proposed rulemaking were made based upon these comments.

Methods

COMMENT: No comments were received on this proposed change.

RESPONSE: The proposed language remains unchanged.

pH

COMMENT: No comments were received on this proposed change.

RESPONSE: The proposed language remains unchanged.

10 CSR 20-7.015 Effluent Regulations

(2) Effluent Limitations for the Missouri and Mississippi Rivers.

(B) Discharges from wastewater treatment facilities which receive primarily domestic waste or from publicly-owned treatment works (POTWs) shall undergo treatment sufficient to conform to the following limitations:

1. Biochemical Oxygen Demand₅ (BOD₅) and nonfilterable residues (NFRs) equal to or less than a monthly average of thirty milligrams per liter (30 mg/l) and a weekly average of forty-five milligrams per liter (45 mg/l);

2. pH shall be maintained in the range from six to nine (6–9) standard units;

3. Exceptions to paragraphs (2)(B)1. and 2. are as follows:

A. If the facility is a wastewater lagoon, the NFRs shall be equal to or less than a monthly average of eighty (80) mg/l and a weekly average of one hundred twenty (120) mg/l and the pH shall be maintained above 6.0, and the BOD₅ shall be equal to or less than a monthly average of forty-five (45) mg/l and a weekly average of sixty-five (65) mg/l;

B. If the facility is a trickling filter plant the BOD₅ and NFRs shall be equal to or less than a monthly average of forty-five (45) mg/l and a weekly average of sixty-five (65) mg/l;

C. Where the use of effluent limitations set forward in this section is known or expected to produce an effluent that will endanger or violate water quality, the department will set specific

effluent limitations for individual dischargers to protect the water quality of the receiving streams. When a waste load allocation or a total maximum daily load study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the study;

D. The department may require more stringent limitations than authorized in subsections (3)(A) and (B) under the following conditions:

(I) If the facility is an existing facility, the department may set the BOD₅ and NFR limits based upon an analysis of the past performance, rounded up to the next five (5) mg/l range; and

(II) If the facility is a new facility, the department may set the BOD₅ and NFR limits based upon the design capabilities of the plant considering geographical and climatic conditions;

(a) A design capability study has been conducted for new lagoon systems. The study reflects that the effluent limitations should be BOD₅ equal to or less than a monthly average of forty-five (45) mg/l, a weekly average of sixty-five (65) mg/l, NFRs equal to or less than a monthly average of seventy (70) mg/l and a weekly average of one hundred ten (110) mg/l.

(b) A design capability study has been conducted for new trickling filter systems and the study reflects that the effluent limitations should be BOD₅ and NFRs equal to or less than a monthly average of forty (40) mg/l and a weekly average of sixty (60) mg/l; and

E. If the facility is a POTW wastewater treatment facility providing at least primary treatment during a precipitation event and discharges on a noncontinuous basis, the discharge may be allowed provided that:

(I) BOD₅ and NFRs equal to or less than a weekly average of forty-five (45) mg/l. The NFR (total suspended solids) limit may be higher than forty-five (45) mg/l for combined sewer overflow treatment devices when organic solids are demonstrated to be an insignificant fraction of total inorganic storm water generated solids, and the permittee can demonstrate that achieving a limit of forty-five (45) mg/l is not cost effective relative to water quality benefits. In these cases, an alternative total suspended solids limit would be developed.

(II) pH shall be maintained in the range from six to nine (6–9) standard units; and

(III) Only the wastewater in excess of the capacity of the noncontinuous wastewater treatment plant hydraulic capacity may be discharged;

4. Fecal coliform. Discharges to the Mississippi from the Missouri-Iowa line down to Lock and Dam 26 shall not contain more than a monthly average of four hundred (400) fecal coliform colonies per one hundred milliliters (100 ml) and a daily maximum of one thousand (1000) fecal coliform colonies per one hundred milliliters (100 ml) from April 1 to October 31. The department may waive or relax this limitation if the owner or operator of the wastewater treatment facility can demonstrate that neither health nor water quality will be endangered by failure to disinfect.

5. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed or used in accordance with a sludge management practice approved by the department; and

6. When the wastewater treatment process causes nitrification which affects the BOD₅ reading, the permittee can petition the department to substitute carbonaceous BOD₅ in lieu of regular BOD₅ testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD₅ at five (5) mg/l less than the regular BOD₅ in the operating permit.

(8) Effluent Limitations for All Waters, Except Those in Paragraphs (1)(A)1.–6.

(B) Discharges from wastewater treatment facilities which receive primarily domestic waste or POTWs shall undergo treatment sufficient to conform to the following limitations:

1. BOD₅ and NFRs equal to or less than a monthly average of thirty (30) mg/l and a weekly average of forty-five (45) mg/l;

2. pH shall be maintained in the range from six to nine (6-9) standard units;

3. The limitations of paragraphs (8)(B)1. and 2. will be effective unless a water quality impact study has been conducted by the department, or conducted by the permittee and approved by the department, showing that alternate limitation will not cause violations of the Water Quality Standards or impairment of the uses in the standards. When a water quality impact study has been completed to the satisfaction of the department, the following alternate limitation may be allowed:

A. If the facility is a wastewater lagoon, the NFRs shall be equal to or less than a monthly average of eighty (80) mg/l and a weekly average of one hundred twenty (120) mg/l and the pH shall be maintained above 6.0 and the BOD₅ shall be equal to or less than a monthly average of forty-five (45) mg/l and a weekly average of sixty-five (65) mg/l;

B. If the facility is a trickling filter plant, the BOD₅ and NFRs shall be equal to or less than a monthly average of forty-five (45) mg/l and a weekly average of sixty-five (65) mg/l;

C. Where the use of effluent limitations set forth in section (8) is known or expected to produce an effluent that will endanger water quality, the department will set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams. When a waste load allocation study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the waste load allocation study;

D. The department may require more stringent limitations than authorized in subsections (3)(A) and (B) under the following conditions:

(I) If the facility is an existing facility, the department may set the BOD₅ and NFR limits based upon an analysis of the past performance, rounded up to the next five (5) mg/l range; and

(II) If the facility is a new facility, the department may set the BOD₅ and NFR limits based upon the design capabilities of the plant considering geographical and climatic conditions;

(a) A design capability study has been conducted for new lagoon systems. The study reflects that the effluent limitations should be BOD₅ equal to or less than a monthly average of forty-five (45) mg/l, a weekly average of sixty-five (65) mg/l, NFRs equal to or less than a monthly average of seventy (70) mg/l and a weekly average of one hundred ten (110) mg/l;

(b) A design capability study has been conducted for new trickling filter systems and the study reflects that the effluent limitations should be BOD₅ and NFR equal to or less than a monthly average of forty (40) mg/l and a weekly average of sixty (60) mg/l; and

E. If the facility is a POTW wastewater treatment facility providing at least primary treatment during a precipitation event and discharges on a noncontinuous basis, the discharge may be allowed provided that:

(I) BOD₅ and NFRs equal to or less than a weekly average of forty-five (45) mg/l. The NFR (total suspended solids) limit may be higher than forty-five (45) mg/l for combined sewer overflow treatment devices when organic solids are demonstrated to be an insignificant fraction of total inorganic storm water generated solids, and the permittee can demonstrate that achieving a limit of forty-five (45) mg/l is not cost effective relative to water quality benefits. In these cases, an alternative total suspended solids limit would be developed.

(II) pH shall be maintained in the range from six to nine (6-9) units; and

(III) Only the wastewater in excess of the capacity of the noncontinuous wastewater treatment plant hydraulic capacity may be discharged;

4. Fecal coliform.

A. Discharges to streams identified as whole body contact areas, discharges within two (2) miles upstream of these areas and discharges to streams with a seven (7)-day Q₁₀ flow of zero (0) in metropolitan areas where the stream is readily accessible to the public shall not contain more than a monthly average of four hundred (400) fecal coliform colonies per one hundred milliliters (100 ml) and a daily maximum of one thousand (1000) fecal coliform colonies per one hundred milliliters (100 ml) from April 1 to October 31. The department may waive or relax this limitation if the owner or operator of the wastewater treatment facility can demonstrate that neither health nor water quality will be endangered by failure to disinfect.

B. Where chlorine is used as a disinfectant, the effluent shall be dechlorinated except when the discharge is—

(I) Into an unclassified stream at least one (1) mile from a Water Quality Standards classified stream; or

(II) Into a flowing stream where the seven (7)-day Q₁₀ flow is equal to or greater than fifty (50) times the design effluent flow;

5. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

6. When the wastewater treatment process causes nitrification which affects the BOD₅ reading, the permittee can petition the department to substitute carbonaceous BOD₅ in lieu of regular BOD₅ testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD₅ at five (5) mg/l less than the regular BOD₅ in the operating permit.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 45—Metallic Minerals Waste Management Chapter 1—Organization

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Natural Resources under section 444.355, RSMo 1994, the director amends a rule as follows:

10 CSR 45-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 978). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 45—Metallic Minerals Waste Management Chapter 2—Definitions

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Natural Resources under section 444.355, RSMo 1994, the director amends a rule as follows:

10 CSR 45-2.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 978). No changes have been made in the text

of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 3—Administrative Penalties**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Natural Resources under section 444.355, RSMo 1994, the director rescinds a rule as follows:

**10 CSR 45-3.010 Administrative Penalties
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 978). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 3—Administrative Penalties**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Natural Resources under section 444.355, RSMo 1994, the director adopts a rule as follows:

10 CSR 45-3.010 Administrative Penalty Assessment is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 978-986). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 6—Permits**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Natural Resources under section 444.355, RSMo 1994, the director amends a rule as follows:

10 CSR 45-6.010 Permit Applications—General is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 987). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 6—Permits**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Natural Resources under section 444.355, RSMo 1994, the director amends rule as follows:

**10 CSR 45-6.020 Closure Plan and Inspection-Maintenance
Plan—General Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 987). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 45—Metallic Minerals Waste Management
Chapter 6—Permits**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Natural Resources under section 444.355, RSMo 1994, the director amends rule as follows:

**10 CSR 45-6.030 Financial Assurance—Company Guarantee and
Financial Test is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 987-988). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 9—Incentives**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Social Services, Division of Child Support Enforcement under section 454.400.2(5), RSMo Supp. 1999, the director adopts a rule as follows:

13 CSR 30-9.010 Incentives is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2000 (25 MoReg 674-677). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two written comments during the official comment period, which ended April 14, 2000. One comment was from the Office of the

Prosecutor of Lafayette County and the second was from the Office of the Prosecutor of Greene County. Their comments as well as the department's responses are listed below.

COMMENT: Both commenters objected to the use of 1999 as a base year for expenses because it would be an unwarranted restriction on county budget decisions. Their concerns included that the base year would not take into account inflation, cost of living raises and step raises given to other county employees, and changes in county benefit packages.

RESPONSE: The use of 1999 as a base year for expenses is being used as the initial base year. Each year thereafter, the previously approved year's expenses will be used as the base year. This should help alleviate rising costs of inflation, salaries, and benefit packages. The division is not amending the language of the rule as a result of this comment.

COMMENT: Both commenters suggested that the rule automatically allow increased expenditures up to a certain specified percent over the base year figure without approval by the division.

RESPONSE: It is impossible to determine what future revenues will be generated, it is not possible to grant a blanket percentage increase for each county budget annually. Allowing counties blanket approval to grant pay raises, cost of living raises, and increased benefit packages or other expenditures would create inequities among the counties and would result in inequitable disbursement of available funds. The division is not amending the language of the rule as a result of this comment.

COMMENT: There was a concern that due to the rural nature of the prosecutor's office, the base year might not represent a typical year.

RESPONSE: Since the base year is updated each year to the last year's budget, this should not be a problem. However, if the county does in fact have an unusual or atypical year, they could request in writing additional monies for their budget in the upcoming year due to the unusual situation. The division is not amending the language of the rule as a result of this comment.

COMMENT: The second commenter expressed concern that there was no appeal process. If the division failed to approve a budget increase, they suggested counties be allowed to appeal to the Prosecuting Attorney's advisory board if the division failed to approve an increase in their budget. There was also concern that after the division reimbursed the counties; the division would be allowed to keep the excess incentive monies to use, as they deemed appropriate. It was a further concern that the division would withhold any budget increases over the base year 1999 to promote their own agendas. This commenter wanted the counties to have veto power in how the division would spend the excess incentive monies.

RESPONSE: Ultimately, it is the division's responsibility to administer the program and the responsibility for this cannot be delegated to another entity. The division is not amending the language of the rule as a result of this comment.

Title 19—DEPARTMENT OF HEALTH
Division 40—Division of Maternal, Child and Family
Health
Chapter 3—The Sudden Infant Death Syndrome (SIDS)
Program

ORDER OF RULEMAKING

By the authority vested in the Department of Health under section 194.117, RSMo Supp. 1999, the director hereby amends a rule as follows:

19 CSR 40-3.010 Administration of the SIDS Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2000 (25 MoReg 694-695). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo Supp. 1999, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Alliance Credit Union 575 Rudder Road Fenton, MO 63026	Those who work or reside in St. Charles County or St. Louis County

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, P.O. Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the Missouri Register.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo Supp. 1999, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Spirit of St. Louis Credit Union 302 North Clay Kirkwood, MO 63122	Those that reside or work in St. Louis City, St. Louis County and St. Charles County

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, P.O. Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the Missouri Register.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo Supp. 1999, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
St. Louis Postal Credit Union 6300 South Lindbergh St. Louis, MO 63123	Members of the immediate family and Zip Codes 63123, 63125, 63010, 63012, 63016, 63023, 63026, 63049, 63051 and 63052

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, P.O. Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the Missouri Register.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo Supp. 1999, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Missouri National Guard Credit Union 2009 Schotthill Woods Drive Jefferson City, MO 65101	Persons residing or working in Cole or contiguous counties, excluding Boone

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, P.O. Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the Missouri Register.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo Supp. 1999, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted

applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
First Community Credit Union 15715 Manchester Road Ellisville, MO 63011	All eligible individuals, and the immediate family of eligible individuals, who reside or work in the Counties of St. Louis, St. Charles, Jefferson, and the Zip Codes of 63090, 63055, 63039, and 63089.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, P.O. Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the Missouri Register.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**ACTIONS TAKEN ON APPLICATIONS FOR NEW
GROUPS OR GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo Supp. 1999, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following application has been granted. This credit union has met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo Supp. 1999.

Credit Union	Proposed New Group or Geographic Area
West Community Credit Union 2345 S. Brentwood Boulevard St. Louis, MO 63144	Anyone living or working in the cities of Overland (63114), Olivette (63132), Crestwood (63126), Sunset Hills (63127), Des Peres (63131), Creve Coeur (63141), Ballwin (63011), Maryland Heights (63146 and 63043), Chesterfield (63017 and 63005) and Manchester (63021).

**Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

APPLICATION REVIEW SCHEDULE

DATE FILED:
APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the July 31, 2000 Certificate of Need meeting. These applications are available for public inspection at the address shown below.

06/20/00

#2964 RS: Southview Residential Care Facility Creamery Road, West Plains (Howell County) \$868,000, Six-mile replacement of 16 RCF II beds previously located at West Plains Residential Care, Inc., 919 Grace Ave., West Plains (Howell County)

#3011 NS: Delmar Gardens of St. Charles County, Inc. Twin Chimneys Road and Route N, St. Charles (St. Charles County) \$12,000,000, 15-mile replacement of 120 SNF beds previously located at Ellisville Health Care Center, 16062 Manchester Road Ellisville (St. Louis County)

#3006 RS: Independence Square, 1136 S. Main St., Perryville (12 RCF II beds); Independence Court, 800 S. Kingshighway, Perryville (60 RCF II beds); and Perry County Nursing Home, 800 S. Kingshighway, Perryville (47 RCF II beds) \$4,419,000, Six-mile replacement of 119 RCF II beds previously located at Independence Hill, 1400 S. Kingshighway, Perryville (Perry County)

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect which must be received at the address listed below by July 21, 2000. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact Donna Schuessler, 573-751-6403.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B1Z01011 Laboratory Equipment & Supplies 8/1/00;
B1Z01014 Furniture: School Desk Seats & Backs 8/1/00;
B3E00226 Printing: Missouri Income Tax Postcards 8/2/00;
B3E00247 Electrical Services 8/2/00;
B3Z01004 Homegoing Transportation Services 8/2/00;
B3Z00237 Vertical Drilling & Grouting 8/4/00;
B2Z00063 Financial Institution Data Match 8/8/00;
B2Z00095 Project Management Training 8/8/00;
B3Z01001 Cash Farm Lease 8/8/00;
B3Z00249 Homegoing Transportation Services 8/10/00;
B3Z00241 Waste Tire Clean-Up 8/15/00;
B2Z00099 Software Training: COOL: Gen/I-Case/Biz/Plex
8/16/00;
B3Z01007 African American Marketing-Tourism 8/22/00.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

- 1.) Trust Administrative Services (Assistive Technology), supplied by Missouri Family Trust.
- 2.) Proprietary Maintenance, supplied by OPEX Corporation

Joyce Murphy, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—23 (1998), 24 (1999) and 25 (2000). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				23 MoReg 2473
	.....				24 MoReg 2535
1 CSR 10-17.040	Office of Administration		25 MoReg 1062		
	(Changed from 1 CSR 40-1.080)				
1 CSR 10-17.050	Office of Administration		25 MoReg 1062		
	(Changed from 1 CSR 40-1.070)				
1 CSR 20-5.010	Personnel Advisory Board		25 MoReg 1195		
1 CSR 20-5.020	Personnel Advisory Board		25 MoReg 1196		
1 CSR 40-1.010	Purchasing and Materials Management		25 MoReg 1059		
1 CSR 40-1.030	Purchasing and Materials Management		25 MoReg 1059		
1 CSR 40-1.050	Purchasing and Materials Management		25 MoReg 1060		
1 CSR 40-1.060	Purchasing and Materials Management		25 MoReg 1061		
1 CSR 40-1.070	Purchasing and Materials Management		25 MoReg 1062		
	(Changed to 1 CSR 10-17.050)				
1 CSR 40-1.080	Purchasing and Materials Management		25 MoReg 1062		
	(Changed to 1 CSR 10-17.040)				
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 30-2.020	Animal Health		25 MoReg 633	25 MoReg 1643	
2 CSR 80-5.010	State Milk Board		25 MoReg 357	25 MoReg 1643	
2 CSR 90-20.040	Weights and Measures		25 MoReg 760	This Issue	
2 CSR 90-22.140	Weights and Measures		25 MoReg 760	This Issue	
2 CSR 90-25.010	Weights and Measures		25 MoReg 761	This Issue	
2 CSR 110-1.010	Office of the Director		25 MoReg 1829		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.110	Conservation Commission		25 MoReg 1385		
3 CSR 10-4.113	Conservation Commission		25 MoReg 1385		
3 CSR 10-4.115	Conservation Commission		25 MoReg 1386		
3 CSR 10-4.116	Conservation Commission		25 MoReg 633	25 MoReg 1475	
	.....		25 MoReg 1393		
3 CSR 10-5.205	Conservation Commission		25 MoReg 1396		
3 CSR 10-5.215	Conservation Commission		25 MoReg 1396		
3 CSR 10-5.430	Conservation Commission		25 MoReg 1688		
3 CSR 10-5.535	Conservation Commission		25 MoReg 1397		
3 CSR 10-6.405	Conservation Commission		25 MoReg 1399		
3 CSR 10-6.410	Conservation Commission		25 MoReg 1399		
3 CSR 10-6.415	Conservation Commission		25 MoReg 1400		
3 CSR 10-6.505	Conservation Commission		25 MoReg 1401		
3 CSR 10-6.510	Conservation Commission		25 MoReg 1402		
3 CSR 10-6.525	Conservation Commission		25 MoReg 1402		
3 CSR 10-6.530	Conservation Commission		25 MoReg 1402		
3 CSR 10-6.535	Conservation Commission		25 MoReg 1402		
3 CSR 10-6.545	Conservation Commission		25 MoReg 1403		
3 CSR 10-6.550	Conservation Commission		25 MoReg 1403		
	.....		25 MoReg 1691		
3 CSR 10-6.615	Conservation Commission		25 MoReg 1404		
3 CSR 10-7.410	Conservation Commission		25 MoReg 1404		
3 CSR 10-7.415	Conservation Commission		25 MoReg 1404		
3 CSR 10-7.417	Conservation Commission		25 MoReg 1405		
3 CSR 10-7.420	Conservation Commission		25 MoReg 1405		
3 CSR 10-7.425	Conservation Commission		25 MoReg 1405		
3 CSR 10-7.430	Conservation Commission		25 MoReg 1405		
3 CSR 10-7.435	Conservation Commission		N.A.	25 MoReg 1475	
3 CSR 10-7.441	Conservation Commission		25 MoReg 1406		
3 CSR 10-7.445	Conservation Commission		25 MoReg 1406		
3 CSR 10-7.450	Conservation Commission		25 MoReg 1406		
3 CSR 10-7.455	Conservation Commission				24 MoReg 2989
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3 CSR 10-8.515	Conservation Commission		N.A.	25 MoReg 1478	
3 CSR 10-9.110	Conservation Commission		25 MoReg 1407		
3 CSR 10-9.230	Conservation Commission		25 MoReg 1408		
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3 CSR 10-9.625	Conservation Commission		25 MoReg 1409		
3 CSR 10-9.627	Conservation Commission		25 MoReg 1409		
3 CSR 10-9.640	Conservation Commission		25 MoReg 1410		
3 CSR 10-9.645	Conservation Commission		25 MoReg 1412		
3 CSR 10-10.707	Conservation Commission		25 MoReg 1412		
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3 CSR 10-11.805	Conservation Commission		25 MoReg 1413		

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4 CSR 40-5.070	Office of Athletics	21 MoReg 1963			
4 CSR 65-1.020	Endowed Care Cemeteries		25 MoReg 1197		
4 CSR 65-1.030	Endowed Care Cemeteries		25 MoReg 1197		
4 CSR 65-1.040	Endowed Care Cemeteries		25 MoReg 1197		
4 CSR 65-1.050	Endowed Care Cemeteries		25 MoReg 1202		
4 CSR 65-1.060	Endowed Care Cemeteries		25 MoReg 1205		
4 CSR 65-2.020	Endowed Care Cemeteries		25 MoReg 1205		
4 CSR 65-2.030	Endowed Care Cemeteries		25 MoReg 1208		
4 CSR 65-2.040	Endowed Care Cemeteries		25 MoReg 1212		
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4 CSR 70-2.050	State Board of Chiropractic Examiners		25 MoReg 925		
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4 CSR 70-2.090	State Board of Chiropractic Examiners		25 MoReg 1216		
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4 CSR 90-2.010	State Board of Cosmetology		25 MoReg 928.....	This Issue	
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4 CSR 115-1.020	State Committee of Dietitians.....		25 MoReg 937.....	This Issue	
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4 CSR 150-7.125	State Board of Registration for the Healing Arts	25	MoReg 518		
4 CSR 150-7.140	State Board of Registration for the Healing Arts	25	MoReg 519		
4 CSR 150-7.200	State Board of Registration for the Healing Arts	25	MoReg 521		
4 CSR 150-7.300	State Board of Registration for the Healing Arts	25	MoReg 521		
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4 CSR 155-1.020	Office of Health Care Providers	25	MoReg 531	25	MoReg 1643
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4 CSR 193-1.020	Interior Design Council	25	MoReg 761	25	MoReg 1912
4 CSR 193-1.030	Interior Design Council	25	MoReg 765	25	MoReg 1912
4 CSR 193-2.010	Interior Design Council	25	MoReg 769	25	MoReg 1912
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4 CSR 193-2.030	Interior Design Council	25	MoReg 773	25	MoReg 1913
4 CSR 193-2.040	Interior Design Council	25	MoReg 773	25	MoReg 1913
4 CSR 193-3.010	Interior Design Council	25	MoReg 778	25	MoReg 1914
4 CSR 193-3.020	Interior Design Council	25	MoReg 778	25	MoReg 1914
4 CSR 193-4.010	Interior Design Council	25	MoReg 782	25	MoReg 1915
4 CSR 193-5.010	Interior Design Council	25	MoReg 782	25	MoReg 1915
4 CSR 193-6.010	Interior Design Council	25	MoReg 786	25	MoReg 1915
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4 CSR 197-6.010	Board of Therapeutic Massage	25	MoReg 846		
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4 CSR 250-8.210	Missouri Real Estate Commission	25	MoReg 366	25	MoReg 1482
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10 CSR 40-3.120	Land Reclamation Commission25 MoReg 107325 MoReg 1073		
10 CSR 40-3.140	Land Reclamation Commission25 MoReg 107425 MoReg 1074		
10 CSR 40-3.200	Land Reclamation Commission25 MoReg 107425 MoReg 1074		
10 CSR 40-3.240	Land Reclamation Commission25 MoReg 107825 MoReg 1078		
10 CSR 40-3.270	Land Reclamation Commission25 MoReg 107825 MoReg 1078		
10 CSR 40-4.010	Land Reclamation Commission25 MoReg 107925 MoReg 1079		
10 CSR 40-4.020	Land Reclamation Commission25 MoReg 107925 MoReg 1079		
10 CSR 40-4.030	Land Reclamation Commission25 MoReg 108025 MoReg 1080		
10 CSR 40-4.050	Land Reclamation Commission25 MoReg 108125 MoReg 1081		
10 CSR 40-5.010	Land Reclamation Commission25 MoReg 108125 MoReg 1081		
10 CSR 40-6.010	Land Reclamation Commission25 MoReg 108225 MoReg 1082		
10 CSR 40-6.020	Land Reclamation Commission25 MoReg 108325 MoReg 1083		
10 CSR 40-6.030	Land Reclamation Commission25 MoReg 108325 MoReg 1083		

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10 CSR 40-6.040	Land Reclamation Commission	25	MoReg 1084		
10 CSR 40-6.050	Land Reclamation Commission	25	MoReg 1085		
10 CSR 40-6.060	Land Reclamation Commission	25	MoReg 1087		
10 CSR 40-6.070	Land Reclamation Commission	25	MoReg 1088		
10 CSR 40-6.090	Land Reclamation Commission	25	MoReg 1089		
10 CSR 40-6.100	Land Reclamation Commission	25	MoReg 1090		
10 CSR 40-6.120	Land Reclamation Commission	25	MoReg 1091		
10 CSR 40-7.011	Land Reclamation Commission	25	MoReg 1092		
10 CSR 40-7.021	Land Reclamation Commission	25	MoReg 1094		
10 CSR 40-8.010	Land Reclamation Commission	25	MoReg 1095		
10 CSR 40-8.030	Land Reclamation Commission	25	MoReg 1101		
10 CSR 40-8.050	Land Reclamation Commission	25	MoReg 1102		
10 CSR 40-8.070	Land Reclamation Commission	25	MoReg 1103		
10 CSR 40-9.020	Land Reclamation Commission	25	MoReg 1107		
10 CSR 40-10.010	Land Reclamation Commission	25	MoReg 1623		
10 CSR 40-10.020	Land Reclamation Commission	25	MoReg 1623		
10 CSR 40-10.040	Land Reclamation Commission	25	MoReg 1627		
10 CSR 40-10.100	Land Reclamation Commission	25	MoReg 1627		
10 CSR 45-1.010	Metallic Minerals Waste Management	24	MoReg 2049		
	.....	25	MoReg 978.....	This Issue	
10 CSR 45-2.010	Metallic Minerals Waste Management	24	MoReg 2049		
	.....	25	MoReg 978.....	This Issue	
10 CSR 45-3.010	Metallic Minerals Waste Management	24	MoReg 1258R		
	.....	24	MoReg 1258		
	.....	25	MoReg 978R.....	This IssueR	
	.....	25	MoReg 978.....	This Issue	
10 CSR 45-6.010	Metallic Minerals Waste Management	24	MoReg 2049		
	.....	25	MoReg 987.....	This Issue	
10 CSR 45-6.020	Metallic Minerals Waste Management	24	MoReg 2049		
	.....	25	MoReg 987.....	This Issue	
10 CSR 45-6.030	Metallic Minerals Waste Management	24	MoReg 2050		
	.....	25	MoReg 987.....	This Issue	
10 CSR 60-2.015	Public Drinking Water Program	25	MoReg 147.....	25 MoReg 1771	
10 CSR 60-4.010	Public Drinking Water Program	25	MoReg 148.....	25 MoReg 1771	
10 CSR 60-4.050	Public Drinking Water Program	25	MoReg 152.....	25 MoReg 1772	
10 CSR 60-4.055	Public Drinking Water Program	25	MoReg 156.....	25 MoReg 1773	
10 CSR 60-4.090	Public Drinking Water Program	25	MoReg 161.....	25 MoReg 1776	
10 CSR 60-5.010	Public Drinking Water Program	25	MoReg 539		
10 CSR 60-5.020	Public Drinking Water Program	25	MoReg 176.....	25 MoReg 1782	
10 CSR 60-7.010	Public Drinking Water Program	25	MoReg 181.....	25 MoReg 1783	
10 CSR 60-8.010	Public Drinking Water Program	25	MoReg 187.....	25 MoReg 1784	
10 CSR 80-9.040	Solid Waste Management	25	MoReg 191.....	25 MoReg 1785	
10 CSR 80-9.050	Solid Waste Management	25	MoReg 197.....	25 MoReg 1786	
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees	25	MoReg 1108		
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board of Trustees	25	MoReg 1108		
10 CSR 140-2	Division of Energy				24 MoReg 2243

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11 CSR 10-12.010	Adjutant General	25	MoReg 1700		
11 CSR 10-12.020	Adjutant General	25	MoReg 1700		
11 CSR 10-12.030	Adjutant General	25	MoReg 1700		
11 CSR 10-12.040	Adjutant General	25	MoReg 1701		
11 CSR 10-12.050	Adjutant General	25	MoReg 1701		
11 CSR 10-12.060	Adjutant General	25	MoReg 1701		
11 CSR 30-9.010	Office of the Director	25 MoReg 751	25 MoReg 852.....	25 MoReg 1917	
11 CSR 30-9.020	Office of the Director	25 MoReg 751	25 MoReg 852.....	25 MoReg 1917	
11 CSR 30-9.030	Office of the Director	25 MoReg 752	25 MoReg 852.....	25 MoReg 1917	
11 CSR 30-9.040	Office of the Director	25 MoReg 752	25 MoReg 853.....	25 MoReg 1917	
11 CSR 30-9.050	Office of the Director	25 MoReg 753	25 MoReg 853.....	25 MoReg 1917	
11 CSR 45-1.090	Missouri Gaming Commission	25	MoReg 1114		
11 CSR 45-5.010	Missouri Gaming Commission	25	MoReg 268.....	25 MoReg 1787	
11 CSR 45-5.051	Missouri Gaming Commission	25	MoReg 273.....	25 MoReg 1788	
11 CSR 45-5.053	Missouri Gaming Commission	25	MoReg 853		
11 CSR 45-5.075	Missouri Gaming Commission	25	MoReg 1631		
11 CSR 45-10.035	Missouri Gaming Commission	25	MoReg 278.....	25 MoReg 1487	
11 CSR 45-11.110	Missouri Gaming Commission	25 MoReg 1679	25 MoReg 1702		
11 CSR 45-13.055	Missouri Gaming Commission	24 MoReg 2124	24 MoReg 2144		
	.....	25	MoReg 278.....	25 MoReg 1487	
11 CSR 45-17.030	Missouri Gaming Commission	25	MoReg 854		
11 CSR 50-2.080	Missouri State Highway Patrol	25	MoReg 554.....	25 MoReg 1644	
11 CSR 50-2.090	Missouri State Highway Patrol	25	MoReg 554.....	25 MoReg 1644	
11 CSR 50-2.100	Missouri State Highway Patrol	25	MoReg 554.....	25 MoReg 1644	
11 CSR 50-2.150	Missouri State Highway Patrol	25 MoReg 475	25 MoReg 554.....	25 MoReg 1644	
11 CSR 50-2.160	Missouri State Highway Patrol	25 MoReg 475	25 MoReg 555.....	25 MoReg 1644	
11 CSR 50-2.290	Missouri State Highway Patrol	25 MoReg 476	25 MoReg 555.....	25 MoReg 1645	
11 CSR 50-2.320	Missouri State Highway Patrol	25	MoReg 556.....	25 MoReg 1645	
11 CSR 50-2.430	Missouri State Highway Patrol	25	MoReg 556.....	25 MoReg 1645	
11 CSR 50-2.440	Missouri State Highway Patrol	25	MoReg 557.....	25 MoReg 1645	
11 CSR 75-2.010	Peace Officer Standards and Training	25	MoReg 664.....	25 MoReg 1789	
11 CSR 75-3.020	Peace Officer Standards and Training	25	MoReg 665.....	25 MoReg 1789	
11 CSR 75-3.030	Peace Officer Standards and Training	25	MoReg 854.....	25 MoReg 1917	
11 CSR 75-5.040	Peace Officer Standards and Training	25	MoReg 665.....	25 MoReg 1790	

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11 CSR 75-6.020	Peace Officer Standards and Training	25	MoReg 1631		
11 CSR 75-6.030	Peace Officer Standards and Training	25	MoReg 1631		
11 CSR 75-11.035	Peace Officer Standards and Training	25	MoReg 665	25 MoReg 1790	
11 CSR 75-11.060	Peace Officer Standards and Training	25	MoReg 666	25 MoReg 1790	
11 CSR 75-11.070	Peace Officer Standards and Training	25	MoReg 666	25 MoReg 1790	
11 CSR 80-1.010	Missouri State Water Patrol	25	MoReg 290	25 MoReg 1645	
11 CSR 80-2.010	Missouri State Water Patrol	25	MoReg 290	25 MoReg 1645	
11 CSR 80-3.010	Missouri State Water Patrol	25	MoReg 291	25 MoReg 1646	
11 CSR 80-3.020	Missouri State Water Patrol	25	MoReg 291	25 MoReg 1646	
11 CSR 80-4.010	Missouri State Water Patrol	25	MoReg 291	25 MoReg 1646	
11 CSR 80-6.010	Missouri State Water Patrol	25	MoReg 292	25 MoReg 1646	
11 CSR 80-7.010	Missouri State Water Patrol	25	MoReg 292	25 MoReg 1646	
11 CSR 80-8.010	Missouri State Water Patrol	25	MoReg 292	25 MoReg 1646	
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12 CSR	Construction Transient Employers				24 MoReg 2087
				25 MoReg 1490
12 CSR 10-3.004	Director of Revenue	25	MoReg 1702R		
12 CSR 10-3.005	Director of Revenue	25	MoReg 1703R		
12 CSR 10-3.006	Director of Revenue	25	MoReg 1703R		
12 CSR 10-3.007	Director of Revenue	25	MoReg 1703R		
12 CSR 10-3.098	Director of Revenue	25	MoReg 1456R		
12 CSR 10-3.166	Director of Revenue	25	MoReg 1703R		
12 CSR 10-3.172	Director of Revenue	25	MoReg 1704R		
12 CSR 10-3.248	Director of Revenue	25	MoReg 1704R		
12 CSR 10-3.260	Director of Revenue	25	MoReg 1704R		
12 CSR 10-3.262	Director of Revenue	25	MoReg 1704R		
12 CSR 10-3.274	Director of Revenue	25	MoReg 1705R		
12 CSR 10-3.278	Director of Revenue	25	MoReg 1705R		
12 CSR 10-3.282	Director of Revenue	25	MoReg 1705R		
12 CSR 10-3.284	Director of Revenue	25	MoReg 1705R		
12 CSR 10-3.286	Director of Revenue	25	MoReg 1706R		
12 CSR 10-3.290	Director of Revenue	25	MoReg 1706R		
12 CSR 10-3.332	Director of Revenue	25	MoReg 1706R		
12 CSR 10-3.336	Director of Revenue	25	MoReg 1706R		
12 CSR 10-3.460	Director of Revenue	25	MoReg 144		
12 CSR 10-3.516	Director of Revenue	25	MoReg 1456R		
12 CSR 10-3.518	Director of Revenue	25	MoReg 1456R		
12 CSR 10-3.520	Director of Revenue	25	MoReg 1456R		
12 CSR 10-3.526	Director of Revenue	25	MoReg 1456R		
12 CSR 10-3.528	Director of Revenue	25	MoReg 1457R		
12 CSR 10-3.530	Director of Revenue	25	MoReg 1457R		
12 CSR 10-3.590	Director of Revenue	25	MoReg 1706R		
12 CSR 10-3.834	Director of Revenue	25	MoReg 1707R		
12 CSR 10-3.850	Director of Revenue	25	MoReg 1707R		
12 CSR 10-3.852	Director of Revenue	25	MoReg 1457R		
12 CSR 10-3.866	Director of Revenue	25	MoReg 1707R		
12 CSR 10-4.145	Director of Revenue	25	MoReg 1707R		
12 CSR 10-4.255	Director of Revenue	25	MoReg 1457R		
12 CSR 10-4.260	Director of Revenue	25	MoReg 1458R		
12 CSR 10-4.265	Director of Revenue	25	MoReg 1458R		
12 CSR 10-4.275	Director of Revenue	25	MoReg 1458R		
12 CSR 10-4.330	Director of Revenue	25	MoReg 1458R		
12 CSR 10-5.080	Director of Revenue	25	MoReg 1459R		
12 CSR 10-11.150	Director of Revenue	25	MoReg 1459R		
12 CSR 10-23.100	Director of Revenue	25	MoReg 557	25 MoReg 1647	
12 CSR 10-23.446	Director of Revenue	25	MoReg 1832		
12 CSR 10-24.050	Director of Revenue	25	MoReg 1459		
12 CSR 10-24.070	Director of Revenue		This Issue		
12 CSR 10-24.100	Director of Revenue	25	MoReg 1708		
12 CSR 10-24.110	Director of Revenue	25	MoReg 1708		
12 CSR 10-24.140	Director of Revenue	25	MoReg 1709		
12 CSR 10-24.190	Director of Revenue		This Issue		
12 CSR 10-24.200	Director of Revenue		This Issue		
12 CSR 10-24.310	Director of Revenue	25	MoReg 1709R		
12 CSR 10-24.450	Director of Revenue	25	MoReg 1114		
12 CSR 10-24.452	Director of Revenue	25	MoReg 1114		
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12 CSR 10-103.200	Director of Revenue	25	MoReg 292	25 MoReg 1487	
12 CSR 10-103.370	Director of Revenue	25	MoReg 1833		
12 CSR 10-103.380	Director of Revenue		This Issue		
12 CSR 10-103.600	Director of Revenue	25	MoReg 1833		
12 CSR 10-103.610	Director of Revenue	25	MoReg 293	25 MoReg 1488	
12 CSR 10-104.020	Director of Revenue	25	MoReg 1835		
12 CSR 10-104.030	Director of Revenue		This Issue		
12 CSR 10-108.600	Director of Revenue	25	MoReg 1836		
12 CSR 10-110.220	Director of Revenue	25	MoReg 1837		
12 CSR 10-110.910	Director of Revenue	25	MoReg 294	25 MoReg 1647	
12 CSR 10-110.920	Director of Revenue	25	MoReg 295	25 MoReg 1647	
12 CSR 10-110.990	Director of Revenue		This Issue		

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12 CSR 10-111.013	Director of Revenue		24 MoReg 2632	25 MoReg 558	
	(<i>Changed to 12 CSR 10-110.013</i>)				
12 CSR 10-112.010	Director of Revenue		25 MoReg 1838		
12 CSR 10-113.300	Director of Revenue		25 MoReg 1839		
12 CSR 10-115.100	Director of Revenue		25 MoReg 1459		
12 CSR 30-4.010	State Tax Commission		25 MoReg 296	25 MoReg 1488	
12 CSR 40-40.090	State Lottery		25 MoReg 392	25 MoReg 1790	
12 CSR 40-60.020	State Lottery		25 MoReg 393	25 MoReg 1791	
12 CSR 40-85.005	State Lottery		25 MoReg 1710		
12 CSR 40-85.010	State Lottery		25 MoReg 1711		
12 CSR 40-85.030	State Lottery		25 MoReg 1711		
12 CSR 40-85.050	State Lottery		25 MoReg 1712		
12 CSR 40-85.060	State Lottery		25 MoReg 1712		
12 CSR 40-85.080	State Lottery		25 MoReg 1712		
12 CSR 40-85.110	State Lottery		25 MoReg 1713R		
12 CSR 40-85.120	State Lottery		25 MoReg 1713R		
12 CSR 40-85.130	State Lottery		25 MoReg 1713R		
12 CSR 40-85.140	State Lottery		25 MoReg 1713		
12 CSR 40-85.150	State Lottery		25 MoReg 1714R		
12 CSR 40-85.160	State Lottery		25 MoReg 1714R		
12 CSR 40-95.010	State Lottery		25 MoReg 1714		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 15-4.050	Division of Aging		25 MoReg 666	25 MoReg 1791	
13 CSR 15-4.240	Division of Aging		25 MoReg 1639		
13 CSR 15-7.005	Division of Aging		25 MoReg 1639		
13 CSR 15-7.060	Division of Aging		25 MoReg 1640		
13 CSR 15-10.070	Division of Aging	25 MoReg 1193	25 MoReg 1227		
13 CSR 15-14.042	Division of Aging		25 MoReg 673	25 MoReg 1791	
13 CSR 15-15.022	Division of Aging		25 MoReg 855		
13 CSR 15-15.045	Division of Aging		25 MoReg 1460		
13 CSR 30-3.010	Child Support Enforcement		25 MoReg 1840		
13 CSR 30-5.010	Child Support Enforcement		25 MoReg 1840R		
			25 MoReg 1840		
13 CSR 30-8.010	Child Support Enforcement		25 MoReg 1115		
13 CSR 30-9.010	Child Support Enforcement		25 MoReg 674	This Issue	
13 CSR 70-3.020	Medical Services		24 MoReg 1742		
13 CSR 70-3.030	Medical Services		24 MoReg 1743		
13 CSR 70-3.130	Medical Services		24 MoReg 1747		
13 CSR 70-4.051	Medical Services		25 MoReg 1641		
13 CSR 70-10.015	Medical Services		This Issue		
13 CSR 70-10.050	Medical Services		This Issue		
13 CSR 70-10.080	Medical Services		This Issue		
13 CSR 70-10.110	Medical Services		25 MoReg 867		
13 CSR 70-15.010	Medical Services	25 MoReg 1383T			
		25 MoReg 1383	25 MoReg 1468		
13 CSR 70-15.110	Medical Services		25 MoReg 988		
13 CSR 70-20.030	Medical Services		This Issue		
13 CSR 70-20.031	Medical Services		This Issue		
13 CSR 70-20.032	Medical Services		This Issue		
13 CSR 70-20.034	Medical Services		This Issue		
13 CSR 70-20.045	Medical Services		This Issue		
13 CSR 110-1.010	Division of Youth Services		25 MoReg 678	25 MoReg 1791	
13 CSR 110-2.010	Division of Youth Services		25 MoReg 678	25 MoReg 1791	
13 CSR 110-2.020	Division of Youth Services		25 MoReg 679	25 MoReg 1792	
13 CSR 110-2.030	Division of Youth Services		25 MoReg 679	25 MoReg 1792	
13 CSR 110-2.040	Division of Youth Services		25 MoReg 680	25 MoReg 1792	
13 CSR 110-2.050	Division of Youth Services		25 MoReg 681	25 MoReg 1792	
13 CSR 110-2.060	Division of Youth Services		25 MoReg 682	25 MoReg 1792	
13 CSR 110-2.070	Division of Youth Services		25 MoReg 682R	25 MoReg 1792R	
13 CSR 110-2.080	Division of Youth Services		25 MoReg 683	25 MoReg 1793	
13 CSR 110-2.090	Division of Youth Services		25 MoReg 683R	25 MoReg 1793R	
13 CSR 110-2.100	Division of Youth Services		25 MoReg 684	25 MoReg 1793	
13 CSR 110-2.110	Division of Youth Services		25 MoReg 685	25 MoReg 1793	
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13 CSR 110-3.015	Division of Youth Services		25 MoReg 688	25 MoReg 1794	
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13 CSR 110-3.030	Division of Youth Services		25 MoReg 689	25 MoReg 1794	
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13 CSR 110-6.010	Division of Youth Services		25 MoReg 694	25 MoReg 1795	
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15 CSR 40-2.031	State Auditor		25 MoReg 1642		
15 CSR 60-11.010	Attorney General		24 MoReg 1103		
15 CSR 60-11.020	Attorney General		24 MoReg 1104		

[illegible]

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17 CSR 10-2.010	Kansas City Board of Police Commissioners	25 MoReg 393R	25 MoReg 1918R		
17 CSR 10-2.020	Kansas City Board of Police Commissioners	25 MoReg 393	25 MoReg 1918		
17 CSR 10-2.030	Kansas City Board of Police Commissioners	25 MoReg 400R	25 MoReg 1918R		
17 CSR 10-2.040	Kansas City Board of Police Commissioners	25 MoReg 400	25 MoReg 1918		
17 CSR 10-2.050	Kansas City Board of Police Commissioners	25 MoReg 404R	25 MoReg 1918R		
17 CSR 10-2.055	Kansas City Board of Police Commissioners	25 MoReg 404	25 MoReg 1918		
17 CSR 10-2.060	Kansas City Board of Police Commissioners	25 MoReg 405R	25 MoReg 1919R		
		25 MoReg 405	25 MoReg 1919		
		25 MoReg 413R	25 MoReg 1919R		
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		25 MoReg 418R	25 MoReg 1920R		
		25 MoReg 418	25 MoReg 1920		
		25 MoReg 423R	25 MoReg 1921R		
		25 MoReg 423	25 MoReg 1921		
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19 CSR 20-20.010	Division of Environmental Health and Communicable Disease Prevention	25 MoReg 1679	25 MoReg 1726		
19 CSR 20-20.020	Division of Environmental Health and Communicable Disease Prevention	25 MoReg 1681	25 MoReg 1727		
19 CSR 20-20.080	Division of Environmental Health and Communicable Disease Prevention	25 MoReg 1683R	25 MoReg 1738R		
		25 MoReg 1684	25 MoReg 1738		
19 CSR 20-20.100	Division of Environmental Health and Communicable Disease Prevention	25 MoReg 1827	25 MoReg 1842		
19 CSR 20-26.030	Division of Environmental Health and Communicable Disease Prevention	25 MoReg 1685	25 MoReg 1753		
19 CSR 20-26.040	Division of Environmental Health and Communicable Disease Prevention	25 MoReg 1686	25 MoReg 1754		
19 CSR 20-26.070	Division of Environmental Health and Communicable Disease Prevention	25 MoReg 1755			
19 CSR 20-28.040	Division of Environmental Health and Communicable Disease Prevention	25 MoReg 1827	25 MoReg 1847		
19 CSR 30-1.002	Division of Health Standards and Licensure	25 MoReg 1233			
19 CSR 30-1.004	Division of Health Standards and Licensure	25 MoReg 1240			
19 CSR 30-1.006	Division of Health Standards and Licensure	25 MoReg 1240			
19 CSR 30-1.008	Division of Health Standards and Licensure	25 MoReg 1241			
19 CSR 30-1.010	Division of Health Standards and Licensure	25 MoReg 1242R			
19 CSR 30-1.011	Division of Health Standards and Licensure	25 MoReg 1242			
19 CSR 30-1.013	Division of Health Standards and Licensure	25 MoReg 1243			
19 CSR 30-1.015	Division of Health Standards and Licensure	25 MoReg 1248			
19 CSR 30-1.017	Division of Health Standards and Licensure	25 MoReg 1251			
19 CSR 30-1.019	Division of Health Standards and Licensure	25 MoReg 1257			
19 CSR 30-1.020	Division of Health Standards and Licensure	25 MoReg 1257R			
19 CSR 30-1.023	Division of Health Standards and Licensure	25 MoReg 1257			
19 CSR 30-1.025	Division of Health Standards and Licensure	25 MoReg 1258R			
19 CSR 30-1.026	Division of Health Standards and Licensure	25 MoReg 1258			
19 CSR 30-1.027	Division of Health Standards and Licensure	25 MoReg 1259			
19 CSR 30-1.030	Division of Health Standards and Licensure	25 MoReg 1259R			
19 CSR 30-1.031	Division of Health Standards and Licensure	25 MoReg 1259			
19 CSR 30-1.032	Division of Health Standards and Licensure	25 MoReg 1260			
19 CSR 30-1.033	Division of Health Standards and Licensure	25 MoReg 1264R			
19 CSR 30-1.034	Division of Health Standards and Licensure	25 MoReg 1264			
19 CSR 30-1.035	Division of Health Standards and Licensure	25 MoReg 1272R			
19 CSR 30-1.036	Division of Health Standards and Licensure	25 MoReg 1272R			
19 CSR 30-1.041	Division of Health Standards and Licensure	25 MoReg 1272			
19 CSR 30-1.042	Division of Health Standards and Licensure	25 MoReg 1278			
19 CSR 30-1.044	Division of Health Standards and Licensure	25 MoReg 1284			
19 CSR 30-1.046	Division of Health Standards and Licensure	25 MoReg 1288			
19 CSR 30-1.048	Division of Health Standards and Licensure	25 MoReg 1291			
19 CSR 30-1.050	Division of Health Standards and Licensure	25 MoReg 1298			
19 CSR 30-1.052	Division of Health Standards and Licensure	25 MoReg 1301			
19 CSR 30-1.060	Division of Health Standards and Licensure	25 MoReg 1304			
19 CSR 30-1.062	Division of Health Standards and Licensure	25 MoReg 1304			
19 CSR 30-1.064	Division of Health Standards and Licensure	25 MoReg 1304			
19 CSR 30-1.066	Division of Health Standards and Licensure	25 MoReg 1308			
19 CSR 30-1.068	Division of Health Standards and Licensure	25 MoReg 1313			
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19 CSR 30-2.040	Division of Health Standards and Licensure	25 MoReg 1336			
19 CSR 30-2.060	Division of Health Standards and Licensure	25 MoReg 1341			
19 CSR 30-2.070	Division of Health Standards and Licensure	25 MoReg 1341			
19 CSR 30-2.080	Division of Health Standards and Licensure	25 MoReg 1341			
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19 CSR 30-60.010	Division of Health Standards and Licensure	...25 MoReg 75325 MoReg 87025 MoReg 1921	
19 CSR 30-60.020	Division of Health Standards and Licensure	...25 MoReg 75325 MoReg 87025 MoReg 1921	
19 CSR 30-60.030	Division of Health Standards and Licensure	...25 MoReg 75425 MoReg 87325 MoReg 1921	
19 CSR 30-60.040	Division of Health Standards and Licensure	...25 MoReg 75425 MoReg 87625 MoReg 1921	
19 CSR 30-60.050	Division of Health Standards and Licensure	...25 MoReg 75525 MoReg 87625 MoReg 1922	
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19 CSR 60-50.300	Missouri Health Facilities Review	25 MoReg 20625 MoReg 1647	
19 CSR 60-50.420	Missouri Health Facilities Review	25 MoReg 897	
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19 CSR 60-50.470	Missouri Health Facilities Review	25 MoReg 207	
19 CSR 70-21.010	Division of Chronic Disease Prevention and Health Promotion	25 MoReg 1851R	
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				24 MoReg 682	
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20 CSR 200-1.160	Financial Examination	25 MoReg 1871	
20 CSR 400-1.130	Life, Annuities and Health	This Issue	
20 CSR 400-7.180	Life, Annuities and Health	25 MoReg 1895	
20 CSR 500-6.700	Property and Casualty	25 MoReg 1134	

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7 CSR 10-8.010	General Information	November 6, 2000
7 CSR 10-8.011	Definitions	November 6, 2000
7 CSR 10-8.020	Definitions	November 6, 2000
7 CSR 10-8.021	General Information	November 6, 2000
7 CSR 10-8.030	Procedures for Certifying Disadvantaged Business Enterprises	November 6, 2000
7 CSR 10-8.031	Who is Governed and Bound by the USDOT and MoDOT DBE Program Regulations	November 6, 2000
7 CSR 10-8.040	Procedures for Certification Renewal of Disadvantaged Business Enterprises	November 6, 2000
7 CSR 10-8.041	Effective Date of the DBE Program Under 49 CFR Part 26	November 6, 2000
7 CSR 10-8.050	Challenge Procedures for Disadvantaged Business Enterprises	November 6, 2000
7 CSR 10-8.051	Procedures and Policies for Initially Certifying and Recertifying Disadvantaged Business Enterprise Firms	November 6, 2000
7 CSR 10-8.060	Requirements to Participate in a Mentor-Protege Agreement	November 6, 2000
7 CSR 10-8.061	Missouri Unified Certification Program	November 6, 2000
7 CSR 10-8.070	Decertification Procedures for Disadvantaged Business Enterprises	November 6, 2000
7 CSR 10-8.071	DBE Program Reporting and Disclosure Requirements for Currently Certified DBE Firms	November 6, 2000
7 CSR 10-8.080	Determination and Review Procedures Governing the Failure to Perform a Commercially Use Function	November 6, 2000
7 CSR 10-8.081	Ineligibility Complaints	November 6, 2000
7 CSR 10-8.090	Finality of Department Determination in the Disadvantaged Business Enterprise Program	November 6, 2000
7 CSR 10-8.091	MoDOT Procedures and Hearings to Remove a Firm's DBE Eligibility	November 6, 2000
7 CSR 10-8.101	The Effect of a USDOT Certification Appeal	November 6, 2000
7 CSR 10-8.111	Prompt Payment, Recordkeeping and Audit Requirements	November 6, 2000
7 CSR 10-8.121	MoDOT DBE Program Annual Goals and Contract Goals	November 6, 2000
7 CSR 10-8.131	DBE Participation Credit Toward Project or Contract Goals	November 6, 2000
7 CSR 10-8.141	USDOT-Assisted DBE Contract Awards and Good-Faith Efforts	November 6, 2000
7 CSR 10-8.151	Performance of a Commercially Useful Function by a DBE Firm	November 6, 2000
7 CSR 10-8.161	Confidentiality of DBE Program Financial and Other Information	November 6, 2000
7 CSR 10-8.200	Disadvantaged Business Enterprise Set-Aside Program General	November 6, 2000
7 CSR 10-8.210	Definitions	November 6, 2000
7 CSR 10-8.220	Eligibility for Participation in the Commission's DBE Set-Aside Program	November 6, 2000
7 CSR 10-8.230	Publication of Qualified DBE's and Joint Ventures in the DBE Directory	November 6, 2000
7 CSR 10-8.240	Retaining Qualification to Participate in the Commission's DBE Set-Aside Program	November 6, 2000
7 CSR 10-8.250	Bidding Limitations on Qualified Firms and Joint Ventures Having Active Commission DBE Set-Aside Contracts	November 6, 2000
7 CSR 10-8.260	DBE Subcontracting Goals for the Commission's DBE Set-Aside Program Contracts	November 6, 2000
7 CSR 10-8.270	Disqualification of a Firm or Joint Venture from the DBE Set-Aside Program	November 6, 2000
7 CSR 10-14.020	Definitions	August 15, 2000
7 CSR 10-14.030	Application for Participation	August 15, 2000
7 CSR 10-14.040	Agreements; Responsibilities of Adopter and Commission	August 15, 2000
7 CSR 10-14.050	Sign Specifications	November 17, 2000

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9 CSR 30-4.042	Admission Criteria	February 22, 2001
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11 CSR 30-9.010	Definition	August 26, 2000
11 CSR 30-9.020	Participation Eligibility Requirements	August 26, 2000
11 CSR 30-9.030	Reimbursement Criteria	August 26, 2000
11 CSR 30-9.040	Operation Payback Restrictions	August 26, 2000
11 CSR 30-9.050	Organization Disqualification	August 26, 2000

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11 CSR 45-11.110	Refund—Claim for Refund	February 22, 2001
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11 CSR 50-2.400	Emission Test Procedures	September 27, 2000
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13 CSR 15-10.070	Alzheimer's Demonstration Projects	February 1, 2001
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13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services	January 24, 2001
13 CSR 70-10.050	Pediatric Nursing Care Plan	January 24, 2001
13 CSR 70-10.080	Prospective Reimbursement Plan for HIV Nursing Facility Services	January 24, 2001
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	Terminated May 4, 2000
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	November 6, 2000

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15 CSR 40-3.100	Revision of Property Tax Rates by School Districts	February 22, 2001
15 CSR 40-3.110	Revision of Property Tax Rates by Political Subdivisions Other Than School Districts	February 22, 2001
15 CSR 40-3.120	Calculation and Revision of Property Tax	February 22, 2001

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19 CSR 20-20.010	Definitions Relating to Communicable, Environmental and Occupational Diseases	December 11, 2000
19 CSR 20-20.020	Reporting Communicable, Environmental and Occupational Diseases	December 11, 2000
19 CSR 20-20.080	Duties of Laboratories	December 11, 2000
19 CSR 20-20.080	Duties of Laboratories	December 11, 2000
19 CSR 20-20.100	Tuberculosis Testing for Residents and Workers in Long-Term Care Facilities and State Correctional Centers	February 22, 2001
19 CSR 20-26.030	Human Immunodeficiency Virus (HIV) Test Consultation and Reporting	December 11, 2000
19 CSR 20-26.040	Physician Human Immunodeficiency Virus (HIV) Test Consultation and Reporting	December 11, 2000
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19 CSR 30-60.020	Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures	September 6, 2000
19 CSR 30-60.030	Local Inspections	September 6, 2000
19 CSR 30-60.040	Variance Requests	September 6, 2000
19 CSR 30-60.050	Staffing Requirements	September 6, 2000
19 CSR 30-60.060	Health Requirements	September 6, 2000
19 CSR 30-60.070	Responsibilities of Caregivers	September 6, 2000
19 CSR 30-60.080	Fire Safety Requirements	September 6, 2000
19 CSR 30-60.090	Sanitation Requirements	September 6, 2000
19 CSR 30-60.100	Physical Plant, Space, Supplies and Equipment	September 6, 2000
19 CSR 30-60.110	Transportation and Field Trip Requirements	September 6, 2000
19 CSR 30-60.120	Admission Procedures and Required Reports and Records	September 6, 2000
19 CSR 30-62.087	Fire Safety	September 6, 2000

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